



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Public Hearing to consider the Planning Commission's recommendation of approval of the request for a Mitigated Negative Declaration, Award 65 medium density Growth Management Allocation units and a Rezone from R-MD, Residential Multi Family to PD(38), Planned Development Number 38 for the "Miller Ranch Development Project" a 65-lot medium density single-family residential subdivision located on the north side of Harney Lane between Panzani Way and Melby Drive (File Nos. ND-05-01, GM05-00, Z-05-04, Jeffrey Kirst on behalf of Tokay Development, applicant).

**MEETING DATE:** February 15, 2006

**PREPARED BY:** Lynette Dias and Charity Wagner, LSA Associates, Inc.

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**RECOMMENDED ACTION:** That the City Council approve the Planning Commission's recommendation to approve the request of Jeffrey Kirst, Tokay Development, for Mitigated Negative Declaration (MND-05-01) as adequate environmental documentation, Allocation of 65 medium density Growth Management Allocation units (GM05-003) and a Rezone from R-MD, Residential Multi Family to PD(38), Planned Development Number 38 (Z-05-04) for the "Miller Ranch Development Project." Staff further recommends that two additional conditions be added by the Council (as explained under "FUNDING") to pay for the processing of this project as follows:

17. Subsequent Staff review of above required plans, elevations, fencing, walls, public lane surfaces, etc., shall require payment of fees at the hourly rate of City Staff conducting said review.
18. The applicant shall reimburse the City for the full cost of outside planning consultant fees payable by the City for work performed for review analysis and preparation of reports for the project.

**BACKGROUND INFORMATION:** On January 25, 2006, the Planning Commission reviewed and adopted resolutions recommending that the City Council conditionally approve the Mitigated Negative Declaration, Growth Management Allocations and Zone Change applications for the "Miller Ranch Development Project", located at 349, 401 and 415 Harney Lane, on the north side of Harney Lane between Panzani Way and Melby Drive. Project analysis and background information is provided in the attached Planning Commission staff report.

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APPROVED:

A handwritten signature in black ink, appearing to read "Blair King".

Blair King, City Manager

The Miller Ranch Development Project would create 65-lots for the development of 65 single family homes. The Planning Commission found that the proposed project would not have a significant impact on the environment; that the land is physically suitable for the proposed development; that the project would be consistent with the General Plan and complimentary to surrounding land uses; and that the project would further the City's efforts of developing appropriate land uses within the City limits.

Staff recommends that the Council confirm the recommendations of the Planning Commission for approval of the proposed project by adopting the attached resolutions of approval for MND-05-01, GM 05-003 and to introduce the Ordinance to approve 2-05-04.

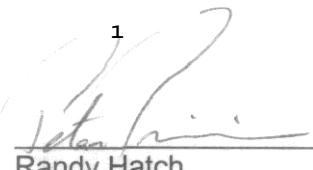
**FISCAL IMPACT:** Provided the City Council approves the attached resolution there will be no impact to the City's General Fund.

**FUNDING:** The Planning Commission recommended conditions as part of this project call for subsequent staff review of various specific details of the project to insure quality and compatibility with the surrounding area (e.g. landscape plans, elevations, fencing, walls, public lane surfaces). There is no clear existing City ordinance which requires the applicant to pay for staff costs to review and approve these specific details.

When this application was submitted to the City both the Community Development Director and City Planner positions were vacant. In order to process this application in a timely manner, the City hired LSA to provide contract planning services. This resulted in an added cost to the City. Staff recommends the applicant pay for the contract planning costs of LSA for their work on this application less fees paid by the applicant.

Two additional conditions (17 and 18 noted above) are recommended by staff to insure that this new development pays for the costs of processing its planning approvals.

  
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Ruby Paisle, Interim Finance Director

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For Randy Hatch  
Community Development Director

CW/RH/kc

**Attachments:** Planning Commission Staff Report,  
Draft Minutes of 1/25 Public Hearing &  
Draft Resolutions for MND-05-01 & GM-05-003  
Draft Ordinance for 2-05-04

# CITY OF LODI

## PLANNING COMMISSION Staff Report

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**MEETING DATE:** January 25, 2006

**APPLICATION NOS:** Mitigated Negative Declaration 05-01  
Growth Management Allocations 05-003  
Zone Change 05-04

**REQUEST:** The request of Jeffrey Kirst on behalf of Tokay Development for Growth Management Allocations, a Zone Change and associated Mitigated Negative Declaration to permit and construct 65 single-family dwelling units on the north side of Harney Lane between Panzani Way and Melby Drive.

**LOCATION:** 349, 401 and 415 Harney Lane, Lodi.  
APNs 062-290-38, 062-290-37 and 062-290-14

**APPLICANT:** Jeffrey Kirst, Tokay Development  
PO Box 1259  
Lodi, CA 95258

**PROPERTY OWNER:** Donald and Nancy Miller  
4071 East Harney Lane  
Lodi, CA 95240

## RECOMMENDATION

- 1) Staff recommends that the Planning Commission recommend the City Council adoption the Mitigated Negative Declaration (MND 05-01) and the Mitigation Monitoring and Reporting Program (MMRP) attached herein as Attachment 5.
- 2) Staff recommends that the Planning Commission approve the request of Jeffrey Kirst, Tokay Development, recommending that the City Council award 65 medium density growth management allocation units (GM-05-003) subject to the conditions in the attached resolution.
- 3) Staff recommends that the Planning Commission recommends approval by the City Council for the request of Jeffrey Kirst for a Zone Change (Z-05-04: from Residential, Multiple-Family to Planned Development) and the associated development plan subject to the conditions in the attached resolution.

## SUMMARY

The proposed project would permit the construction of 65 single-family homes on 7.92 acres on the north side of Harney Lane, just west of *The Villas*, an 80-unit single-family subdivision currently under construction. To implement the proposed project, the applicant has submitted applications for a zone change and growth management allocation units and subsequent environmental assessment.

## PROJECT/AREA DESCRIPTION

<b>General Plan Designation</b>	MDR, Medium Density Residential
<b>Zoning Designation.</b>	R-MD, Residential, Medium Density, Planned Development (PD38) requested
<b>Project Size.</b>	7.92 acres

The adjacent zoning designations and land uses are as follows:

<b>North:</b>	R-2, Single-Family Residential. A single-family residential neighborhood borders the project site to the immediate north. Lois E. Borchardt Elementary School is located further north of the site on Culbertson Drive.
<b>South:</b>	AG-40, General Agriculture. The properties to the south (across Harney Lane) are outside the City limits. San Joaquin County designates these properties for agricultural land uses and the area is developed with agricultural land uses and a single-family home.
<b>West:</b>	R-2, Single-Family Residential. A single-family residential neighborhood borders the project site to the west.
<b>East:</b>	PD, Planned Development. A new 80-unit single-family residential neighborhood, <i>The Villas</i> , is currently under construction to the east of the project site.

The project site consists of three parcels on the north side of Harney Lane, just west of Melby Drive and east of Panzani Way. A vicinity map is provided as Attachment 1. The project site is developed with two single-family homes and active agricultural uses (a cherry orchard and flower garden). One of the single-family homes is occupied by the current property owner and the other is currently used as the construction office for the residential project immediately east of the project site, *The Villas*. The subject area is characterized by single-family homes that have been built over the past five years, as well as, agricultural lands that are south of Harney Lane (properties to the south, across Harney Lane, are unincorporated county properties and are zoned for agricultural land uses).

## BACKGROUND

The Planning Department originally received six separate residential growth management applications for 2005. One of the applications submitted was rejected by City staff, as the applicant did not have authorization from the property owner. The remaining 5 applications are shown below in Table A. In past years, the Community Development Department has processed all the applications for Residential Growth allocations simultaneously and presented all the requests in one staff report to the Planning Commission and City Council. Due to the total number of allocations being requested and the size of the two Priority 3 applications received this year, the City Council on July 6, 2005, agreed to process the Priority 1 applications separate from the Priority 3 applications.

**Table A: 2005 Growth Management Applications Received**

	Project Name	Location	Priority	Residential Units <sup>a</sup>			
				Single-Family	Medium-Density	High-Density	Total
1	Miller Ranch	401 E. Harney Lane	1	0	65	0	65
2	Westgate Apartments	1515 S. Lower Sacramento Road	1	0	0	158	158
3	Almond Drive Multi-Family Housing	452 E. Almond Drive	1	0	0	16	16
4	Westside Project	West of Lower Sacramento Road between Kettleman and Harney Lanes	3	452	154	167	773
5	Southwest Gateway	West of Lower Sacramento Road between WID Canal and Vine	3	862	161	340	1,363
Total				1,314	380	681	2,375

<sup>a</sup> Residential units reflected in this table include revisions made by project applicants since the original project submittals.

On June 30, 2005, the Almond Drive and Westgate Apartment applications were deemed incomplete for lack of application materials and project information needed for staff to review and process the Growth Management applications. As follow-up to the letters, City Staff met with the project applicants to discuss the materials needed. The main concerns were that the Almond Drive project exceeded the density allowed by the General Plan and the Westgate Apartment project required a significant redesign to accommodate required right-of-way on Tokay Street and additional design concerns related to livability. Instead of revising their applications and/or submitting the additional materials, the Almond Drive and Westgate Apartment applicants withdrew their applications for Growth Management Allocation units.

Therefore, this report analyzes the remaining Priority 1 application, the Miller Ranch Development plan, as well as, it's associated Mitigated Negative Declaration and Zone Change application.

## ANALYSIS

### *1) Mitigated Negative Declaration*

The City prepared an Initial Study (IS) to determine whether the Miller Ranch Development project may have a significant effect on the environment. On the basis of the Initial Study, City staff has concluded that, with the incorporation of Mitigation Measures, the project would not have potentially significant environmental impacts. The Initial Study and Mitigated Negative Declaration reflect the independent judgment of the City.

The incorporation of Mitigation Measures would reduce any environmental impacts to a less than significant level; therefore, a Mitigated Negative Declaration (MND) has been prepared and the applicant has agreed to the Mitigation Measures (see page 50 of Attachment 5).

The IS/MND was circulated to responsible agencies and made available for public review for a 20-day period from December 24, 2005 to January 13, 2006. The City received from the San Joaquin County Air Pollution Control District stating that the District concurs with the findings of

the Mitigated Negative Declaration. The proposed project will be subject to the District Rules and conditions of approval are recommended herein to insure said compliance.

## ***2) Growth Management Allocations***

The Growth Management Allocation Ordinance was adopted by the City Council on September 18, 1991 to regulate the growth, location, amount and timing of residential development in the City. The Growth Management system limits the number of residential units to two percent of the City's population, compounded annually. Once the amount of allocation units is figured, the City requires that the allocation units be distributed among housing types as follows; 65 percent low density, 10 percent medium density and 25 percent high density. For example, the following explains the 448 units available for 2005:

- 1) Calculate two percent of the City's current population:  $62,467 \times 2\% = 1,249$ .
- 2) Divide 1,249 by the average number of persons per household  $1,249/2.789 = 447.8$
- 3) Divide the 448 units into the 3 housing types:  
  
65% low density = 291 units  
10% medium density = 45 units  
25% high density = 112 units

## **Applications for 2005 Growth Management Allocations**

As indicated above in the background discussion, two other applications for 2005 growth management allocation units are in the review process. These development applications are for projects located in Priority Area 3 and include annexation into the City, as well as, preparation of an Environmental Impact Report. Though the City has historically held one hearing for all of the allocation applications submitted for the calendar year, for purposes of timing, Staff is presenting the Priority Area 1 allocations independent of the Priority Area 3. This is the first year the City has ever received a request for allocations in Priority Area 3.

The applicant has submitted an application for 65 medium density growth management allocation units. There are only 45 medium density allocation units allocated for 2005; however, the City has not issued all of its medium density growth management units in prior years as shown in Table B below, which leaves a "bank of units" from previous years. The applicant intends to construct the proposed single-family homes by the end of 2006 and requests approval of 45 medium density allocation units scheduled for 2005 and 20 medium density units available from previous years. The Commission may wish to note that though the applicant proposes to build single-family homes, the application requests medium density growth management units because the project density falls in the medium density category. Table B shows a history of growth management allocation units.

**Table B: Growth Management Allocation History**

Density	Available Allocations				
	Scheduled from 1989-2004	Granted from 1989-2004	Remaining from 1989-2004	Scheduled for 2005	Total Available to Date
Low (0.1-7)	4,317	2,893	1,424	291	1,715
Medium (7.1-20)	664	366	298	45	343
High (20.1-30)	1,660	0 <sup>a</sup>	1,660	112	1,772
<b>TOTAL</b>	<b>6,641</b>	<b>3,259</b>	<b>3,382</b>	<b>448</b>	<b>3,830</b>

<sup>a</sup> There have been high density allocations granted over the past 15 years; however they have expired or withdrawn prior to issuance of building permits.

### Priority Location Map and Point System

The Growth Management Ordinance includes a priority location map and a point system to assist the City with prioritizing issuance of growth management allocations. The priority location map (see Attachment 3) designates lands available for development and provides development categories of one, two or three, with Priority Area 1 being the first priority area for development. The priority areas are based on availability of city services (e.g., water, wastewater, storm drains, streets, police, fire and parks). The project site is located in Priority Area 1. The point system was established to rate projects based on various project merits in order to determine if one project should be approved before another. Staff evaluated the proposed plan against the point system and determined that the project scored 267 points out of 280 points possible. City Council Ordinance No. 91-170 establishing the point system and Table D, outlining the points earned by the proposed project, is attached herein as Attachment 4.

### Growth Management Allocation Recommendation

The project site is located in Priority Area 1, scored 267 out of 280 possible points based on the City's growth management point system and would be a well designed residential neighborhood that is consistent with surrounding land uses. For these reasons, staff recommends approval of the request for 65 medium density growth management allocation units (45 scheduled for 2005 and 20 available from previous years).

### 3) Zone Change/Development Plan

This request includes a zone change of the project site from the R-MD (Residential, Medium Density) zone to a PD (Planned Development) zone with the required development plan. The proposed PD Zone would be consistent with the existing General Plan designation of MDR (Medium Density Residential) because the proposed density of 8.3 units per acre is within the MDR density range of 7.1-20 dwelling units per acre.

### Intent and Requirements for a PD Zone

A PD zone is intended to allow deviations from standard zoning requirements in an effort to create a development pattern specifically designed for a project site that allows a more desirable and efficient use of land. The proposed project would deviate from zoning code standards of setbacks and lot coverage to allow for the development of new residential units that would be consistent the PD zone for *The Villas* project to the east.

In accordance with Municipal Code Section 17.33, a PD zone is intended to accommodate various types of development, including residential developments; however, if a PD is proposed for an area less than ten acres, the PD may only be approved if the following criteria apply:

*a) The proposed development consists entirely of residential uses;*

The proposed project is entirely residential.

*b) The proposed development does not exceed twelve and one-half units per acre; and*

The proposed project would construct new single-family housing at a density of 8.2 units per acre.

*c) The parcel proposed for development has certain unique characteristics that make it difficult to develop, or the housing types proposed for the development cannot be erected within the restrictions of other sections of the code.*

The proposed project is located immediately west of *The Villas Planned Development* and is designed to match its land pattern and housing types. The General Plan requires the site to be developed with a minimum of 56 units (7.1 DU/acre) and the proposed planned development would achieve this density by allowing flexibility of the zoning regulations.

### **Discussion of Proposed PD Zone**

As discussed above, a PD zone allows flexibility from the standard zoning regulations. The project site is currently zoned R-MD and development in this zone is subject to the standard multiple family zoning code. The proposed project intends to match *The Villas* residential project to the east and therefore requests that similar development standards of minimum lot size, front setback, side setback, street side setback and street standards be modified to suit this project. Standards that are not modified as part of the PD zone are the same as the standard zoning requirements for the R-MD zone. Table A demonstrates the development standards proposed for this project.

**Table C: Development Standards**

Standard	R-MD Zone	Proposed Project
Minimum lot size	4,000 sq.ft.	2,625 sq.ft.
Minimum lot width	40 feet	50 feet
Building Height	2 stories not to exceed 35 feet	2 stories not to exceed 35 feet
Front Setback	20 feet	7 feet and 6 inches to 12 feet
Side Setback	5 feet	4 feet
Street side setback	10 feet	4 feet
Rear Setback	10 feet	8 feet
Parking Spaces	2 covered spaces per unit	2 covered spaces per unit
Lot Coverage	50%	50%
Street standards	Full size cul-de-sac	24-foot public lane

Source: Lodi Municipal Code.

### **Discussion of Proposed Development Plan**

Prior to the approval of any PD zone, a Development Plan must be reviewed and recommended for approval by the Planning Commission. Once approved, the project site must be developed in accordance with the development plan. The applicant has submitted a development plan depicting the proposed layout and design for the 65 unit project (see Attachment 2).



The development plan shows 65 single-family lots ranging in size from 2,625 square feet to 5,203 square feet. None of the proposed units are “affordable housing units” all of the units would be sold as individual single-family lots at market rate value.

Main access to the project site would be provided by a controlled intersection at Harney Lane and Panzani Way. Access to the individual units would be provided by one east/west street (that would connect to Driftwood Drive and Porta Rossa Way), two cul-de-sac streets and several public lanes. Additionally, a utility corridor and pedestrian access way link the two northern most public lanes to provide pedestrian access throughout the site. Street parking would be permitted on the east/west street and cul-de-sac streets, for a total of approximately 39 spaces, and each unit is designed with a driveway and 2-car garage.

The 65 units proposed would be built with four separate floor plans ranging in size from 1,708 square feet to 1,992 square feet. All units would be two-story homes and would contain three to four bedrooms, two and one half bathrooms, living room, dining room and a two car garage. Similar to *The Villas* project (pictured herein), the units would have Spanish and Mediterranean architectural design features including tile roofs, arch ways, window shutters, brick and stone veneer, exposed rafters and neutral building colors. Final elevations and landscape plans would be subject to review and approval by the Community Development Director prior to the approval of building permits (see Condition No. 28 of Attachment 8).

### **Zone Change Recommendation**

The proposed PD zone would allow for the development of 65 new residential units with modified development standards, as per the associated development plan, that allow for a unique and well designed neighborhood that would be consistent with surrounding development. For these reasons, staff recommends approval of the proposed zone change to Planned Development with the implementation of the Miller Ranch development plan.

## **ENVIRONMENTAL ASSESMENT**

Based on the Initial Study prepared on December 23, 2005, it was determined that a Mitigated Negative Declaration needed to be prepared for this project. Said Initial Study/Mitigated Negative Declaration was distributed to local agencies on December 24, 2005, and a copy was available for public review for a 20-day comment period in accordance with CEQA and local notice requirements. With the incorporation of Mitigation Monitoring and Reporting Program, this project would not have potentially significant environmental impacts. Based on these findings, Staff recommends that the Commission forward a recommendation to adopt the Mitigated Negative Declaration (ND-05-01) to the City Council.



*Sample Elevation, The Villas Plan 4*

*Source: KB Homes*



*Sample Elevation, The Villas Plan 1*

*Source: KB Homes*

## PUBLIC HEARING NOTICE

A legal notice for the Zone Change and Growth Management Allocation Applications was published on January 14, 2006 in the Lodi News Sentinel. Thirty-four public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property. Additionally, a Notice of Intention (NOI) to adopt a Mitigated Negative Declaration was published in the Lodi News Sentinel and was posted at City Hall on December 24, 2005.

## CONCLUSION

The City Council has final action on the requests for Zone Change, Growth Management Allocations and the associated Mitigated Negative Declaration; however, these requests must first be reviewed by the Planning Commission with a recommendation forwarded to the City Council. Therefore, staff recommends that unless additional or contrary information is received during the public hearing and, based upon its review and consideration of the Draft IS/MND and the evidence submitted to the Commission, including the evidence presented in this staff report, and oral and written evidence presented at the public hearing, the Planning Commission take the following actions: recommend adoption of the Mitigated Negative Declaration (ND05-01); recommend approval of the Growth Management Allocation application (GM-05-003) to permit 65 growth management allocation units (45 scheduled for 2004 and 20 from previous years); and recommend approval of the Zone Change application (Z-05-04) to establish a Planned Development Zone with the implementation of the development plan subject to the conditions and mitigation measures found in the attached draft resolutions (Attachments 6, 7 and 8).

## ALTERNATIVE PLANNING COMMISSION ACTIONS

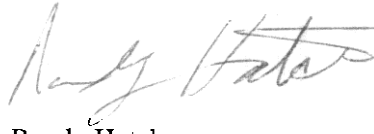
- Recommend Approval of the Request with Alternate Conditions
- Recommend Denial of the Request
- Continue the Request

Respectfully Submitted.

Concurred by:



for Charity Wagner & Lynette Dias  
Contract Planners, LSA Associates, Inc.

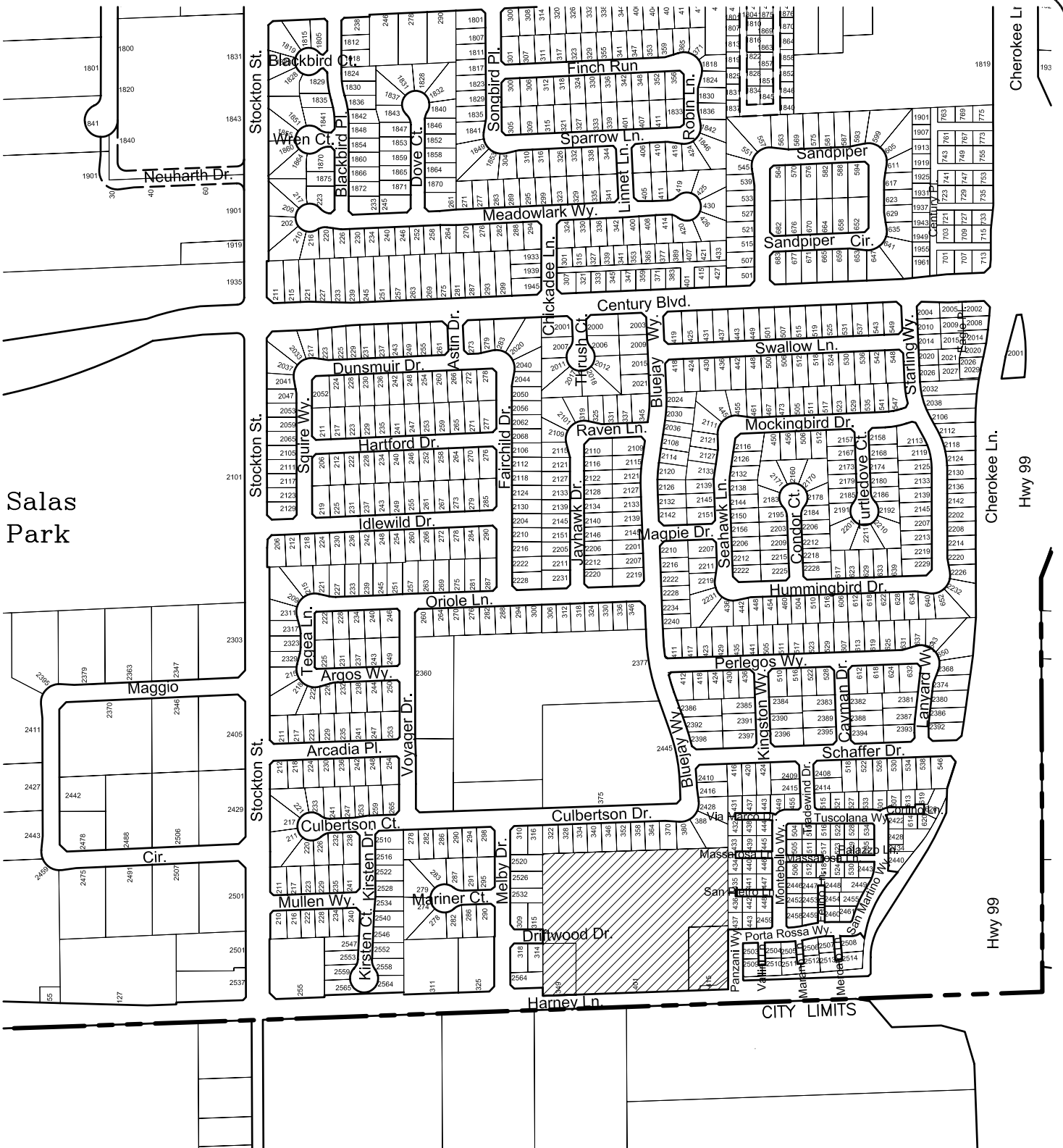


Randy Hatch  
Community Development Director

### Attachments

1. Vicinity Map
2. Site Plan
3. Priority Location Map
4. Table D, Growth Management Point Calculation
5. Initial Study/Mitigated Negative Declaration
6. Draft Resolution for Mitigated Negative Declaration 06-02
7. Draft Resolution for Growth Management Allocations 06-03
8. Draft Resolution for Zone Change and Development Plan 06-04

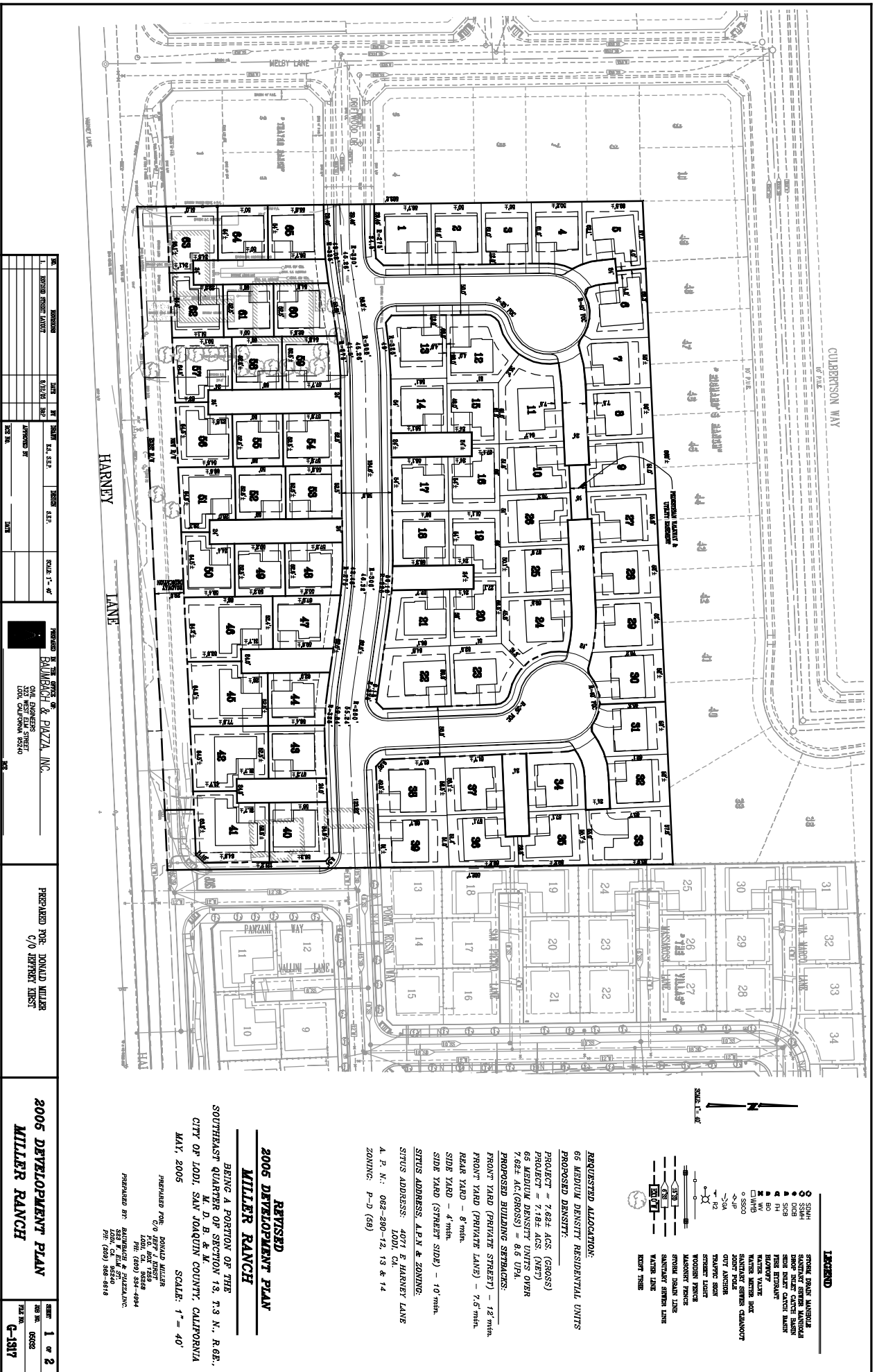
RH/pp/dm/kc



## VICINITY MAP

Miller Ranch  
Growth Mngmt. Dev. Plan  
349, 401, & 415 E. Harney Ln.  
GM-05-003



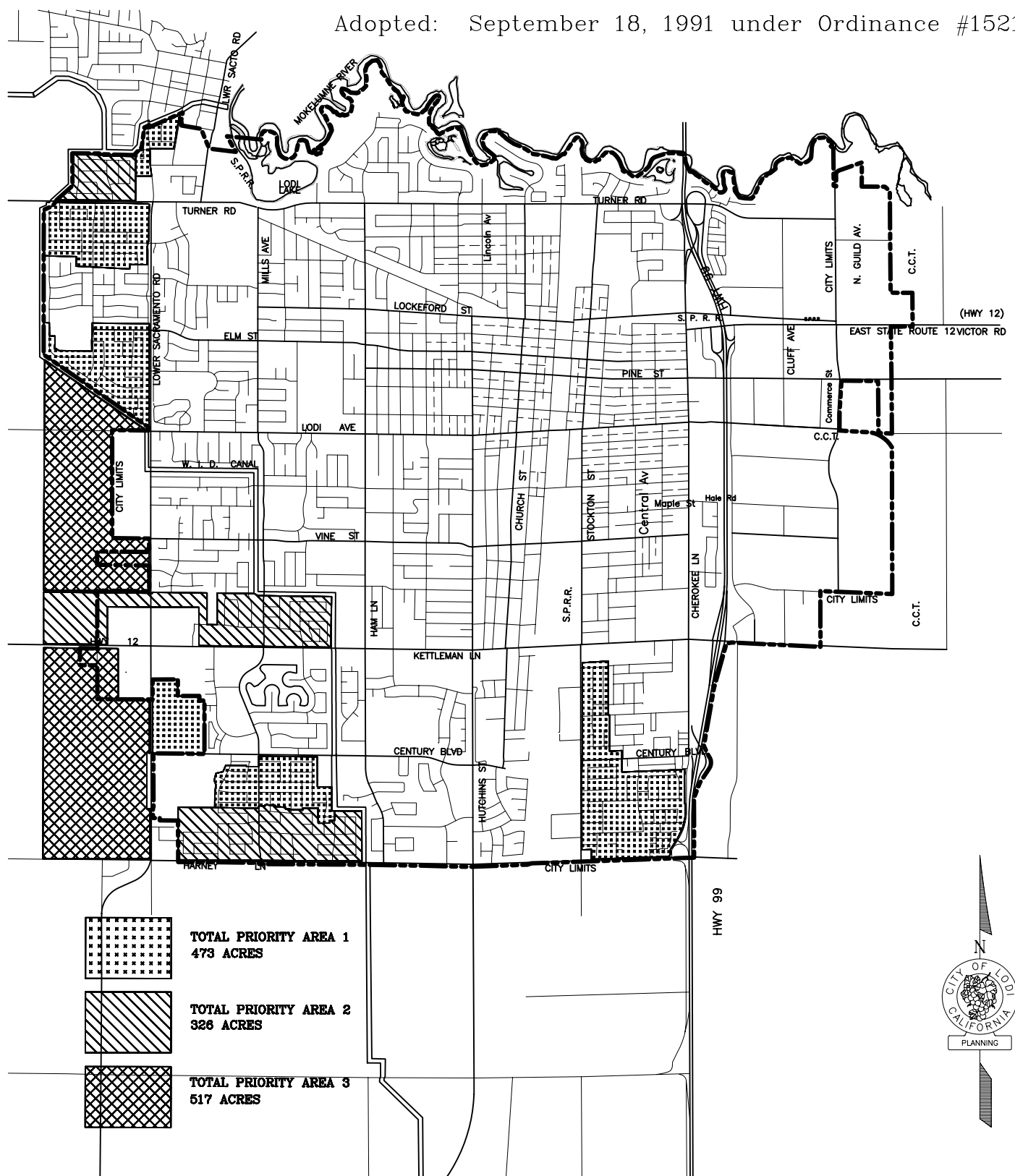




COMMUNITY DEVELOPMENT  
DEPARTMENT

## RESIDENTIAL PRIORITY DEVELOPMENT AREAS

Adopted: September 18, 1991 under Ordinance #1521



**Table D: Growth Management Point Calculation**

Category and Merit		Project Score
<b>A. Agricultural Land Conflicts</b>		
Is the project adjacent to agricultural land on one, two, three or all sides?	Agricultural land exists on one side, south of the project, across Harney Lane.	7
<b>B. On-Site Agricultural Land Mitigation</b>		
Has an adequate on-site buffer has been provided as a part of site layout for all adjacent agricultural land?	The project includes road widening of Harney Lane, which would buffer the residents from the agricultural lands to the south.	7
<b>C. General Location</b>		
Is the project located within Priority Area one, two or three?	The project site is located in priority area one.	200
<b>D. Relationship to Public Services</b>		
1. General Location	Project abuts existing development on three sides.	7
2. Wastewater	Project will extend a Master Plan line within its boundaries.	8
3. Water	Project will extend Master Plan lines within its boundaries	8
4. Drainage	Project area is served by an existing basin and Master Plan line or mains designed to serve the project.	10
<b>F. Traffic</b>		
Does the project improve circulation by providing additional access to adjacent development (including non-vehicular access)?	The project would connect Driftwood Drive to Porta Rossa Way.	5
<b>G. Housing</b>		
Points are awarded based on the percentage of affordable housing units.	There are no low or moderate housing units proposed	0
<b>I. Schools</b>		
Is the project located within ¼ mile to 2 miles from an existing or planned school?	Project is within ¼ mile of Lois E. Borchardt Elementary School	10
<b>J. Fire Protection</b>		
Is the project within 3 or 4 minutes of emergency vehicle driving time from the nearest fire station?	The project site is within 4 minutes emergency driving time from Fire Station 3 at 2104 S. Ham Lane.	5
<b>Total</b>		<b>267</b>

Note: Promotion of Open Space (Section E) and Affordable Housing (Section H) do not apply to single-family residential development projects.

Source: Lodi City Council Resolution No. 91-170.

RESOLUTION NO. 91-170

A RESOLUTION OF THE LODI CITY COUNCIL  
ESTABLISHING CRITERIA AND A POINT SYSTEM  
FOR PROCESSING TENTATIVE MAPS FOR RESIDENTIAL DEVELOPMENT

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WHEREAS, the Lodi City Council, by Ordinance No. 1521, adopted September 18, 1991 has provided for the establishment of certain development criteria and a point system for processing of tentative maps, parcel maps, and other approvals under the Subdivision Map Act,

NOW, THEREFORE, BE IT RESOLVED, by the Lodi City Council that the following criteria/point system is established:

Evaluation Criteria. (The criteria listed below have been developed to be consistent with current City policies and State laws.)

A.	<u>Agricultural Land Conflicts</u>	<u>Score</u>
1.	Project does not require conversion of vacant agricultural land	10
2.	Project is adjacent to agricultural land on one side	7
3.	Project is adjacent to agricultural land on two sides	5
4.	Project is adjacent to agricultural land on three sides	3

5. Project is surrounded by agricultural land 0

B. On-site Agricultural Land Mitigation

1. Project needs no agricultural land mitigation 10

2. Adequate on-site buffer has been provided as a part of site layout for all adjacent agricultural land 7

3. On-site buffer provided as a part of site layout for only part of the project 5

4. No buffer between project and adjacent agricultural land 0

C. General Location - A map showing such priority shall be adopted or updated from time to time by the Council, and shall be available for inspection in the office of the City Clerk.

1. Project located within Priority Area 1 200

2. Project located within Priority Area 2 100

3. Project located within Priority Area 3 0



D. Relationship to Public Services

1. General Location

- a. Project abuts existing development on four sides 10
- b. Project abuts existing development on three sides 7
- c. Project abuts existing development on two sides 5
- d. Project abuts existing development on one side 3
- e. Project is surrounded by undeveloped land 0

2. Wastewater

- a. Project is located adjacent to existing Master Plan sanitary sewers or mains designed to serve the project 10
- b. Project will extend a Master Plan line within its boundaries 8
- c. Project will extend a Master Plan line outside of its boundaries but within existing right-of-way (0 if right-of-way is necessary) 4

- d. Project requires construction of a ~~new~~ lift station for which funds are available in the Sewer Impact Fee Fund 0
- e. Project requires construction of a ~~new~~ lift station for which funds are not available in the Sewer Impact Fee Fund \*

3. Water

- a. Project is located adjacent to existing Master Plan water mains or mains designed to serve the project 10
- b. Project will extend Master Plan lines within its boundaries a
- c. Project will extend Master Plan lines outside its boundaries, but within existing right-of-way (0 if outside right-of-way) 4
- d. Project requires construction of a ~~new~~ water well for which funds are available in the Water Impact Fee Fund 0

- e. Project requires construction of new water well for which funds are not available in the Water Impact Fee Fund \*
- f. Project improves the existing system (i.e., eliminates dead-ends, loops master plan lines, provides a well site) +1 to 3

4. Drainage

- a. Project is served by an existing drainage basin and Master Plan line or mains designed to serve the project 10
- b. Project will extend a Master Plan line or expand an existing basin within its boundaries a
- c. Project will extend a Master Plan line or expand an existing basin outside of its boundaries but within existing rights-of-way (0 points if right-of-way is necessary 4
- d. Project requires construction of a new basin for which funds are available in the Master Drainage Impact Fee Fund 0

- e. Project requires construction of a ~~new~~ basin  
for which funds are not available in the  
Master Drainage Impact Fee Fund

\*

E. Promotion of Open Space

Points shall be awarded on the basis *of* the percentage of coverage of the total loss of project area by roof area and paved areas on-site (exclusive of streets).

20% or less	10 points
30% or less	8 points
40% or less	6 points
50%	4 points
60%	2 points
70% or greater	0 points

Project owner shall submit an analysis *of* the percentage *of* impervious surface of the site. This section shall not apply to single-family residential.

F. Traffic

- 1. Project widens or improves an existing facility 10
- 2. Project will extend Master Plan streets within  
its boundaries 8

3. Project will extend Master Plan streets outside its boundaries, but within existing right-of-way (0 if outside right-of-way) 4
4. Project requires roadway improvements for which funds are available in the Street Impact Fee Program 0
5. Project requires roadway improvements for which funds are not available in the Street Impact Fee Program \*
6. Project improves circulation by providing additional access to adjacent development (including non-vehicular access) +1 to 5

G. Housing

1. Low and Moderate Income Housing. A point credit will be awarded with the following schedule:

25% or more of units low and moderate	10
20%-24%	8
15%-19%	6
10%-14%	4
5%-9%	2
Less than 5% low and moderate or low and moderate housing proposed	0

\* Indicates project cannot proceed without provision  
for construction of the appropriate facility.

H. Site Plan and Project Design--Bonus Points (These  
criteria shall only apply to multi-family projects),

1. Landscaping. (Planning Commission shall evaluate  
and provide between 10 and 0 points)  
(These criteria shall only apply to multi-family  
projects).
2. Architectural Design. (SPARC Committee shall  
evaluate and provide between 10 and 0 points)  
(These criteria shall only apply to multi-family  
projects.)

I. Schools

1.	Project is within 1/4 mile of an existing (or proposed) elementary school	10
2.	Project is within 1/2 mile of an existing (or proposed) elementary school	5
3.	Project is more than 1/2 mile from an existing or proposed elementary school	0
4.	Project is within 1/2 mile of an existing (or proposed) middle school.	10
5.	Project is within 1 mile of an existing or proposed middle school	5
6.	Project is more than 1 mile from an existing or proposed middle school	0
7.	Project is within 1 mile of an existing or proposed high school	10
8.	Project is within 2 miles of an existing or proposed high school	5

J. Fire Protection. (Proximity to fire protection services)

- Within 3 minute emergency vehicle driving time from  
the nearest fire station 10
- Within 4 minute emergency vehicle driving time from  
the nearest fire station 5
- Beyond 4 minute emergency vehicle driving time from  
the nearest fire station 0

Dated: September 4, 1991

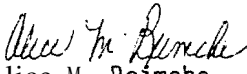
=====

I hereby certify that Resolution No. 91-170 was passed and adopted by the Lodi City Council in a regular meeting held September 4, 1991 by the following vote:

Ayes : Council Members - Pennino, Pinkerton, Sieglock, Snider  
and Hinchman (Mayor)

Noes : Council Members - None

Absent: Council Members - None

  
Alice M. Reimche  
City Clerk

RES91170/TXTA.02J

91-170



Miller Ranch Development Project

***DRAFT***

MITIGATED NEGATIVE DECLARATION NO. 05-01

Growth Management Allocations and Planned  
Development Zone Change  
(GM-05-003 and Z-05-02)  
(New Zone file # Z-05-04)

APPLICANT: Jeffrey Kirst, Tokay Development

PREPARED FOR:  
City of Lodi  
Community Development Department  
P.O. BOX 3006  
LODI, CA 95241

PREPARED BY:  
LSA Associates, Inc  
2215 Fifth Street  
Berkeley, CA 94710  
(510) 540-7331  
[www.lsa-assoc.com](http://www.lsa-assoc.com)

December 2005

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**Environmental Checklist Form**  
**Prepared Pursuant to the California Environmental Quality Act (CEQA)**

**A. PROJECT DESCRIPTION**

1. Project title: Miller Ranch Development Project
2. Lead agency name and address:  
City of Lodi, Community Development Department  
Box 3006, Lodi, CA 95241
3. Contact person and phone number:  
Randy Hatch  
Community Development Director  
(209) 333-6711
4. Project location:  
349, 401 and 415 East Harney Lane  
City of Lodi, San Joaquin County
5. Project sponsor's name and address:  
Jeffrey Kirst, Tokay Development  
PO Box 1259  
Lodi, CA 95258
6. General Plan Land Use designation: MDR, Medium Density Residential.
7. Zoning designation: R-MD, Residential Medium Density.
8. Other public agencies whose approval is required: None.
9. Description of project: The following provides a description of the Miller Ranch Development Project.

**Existing Conditions**

The project area is comprised of three parcels on the north side of Harney Lane, west of Panzani Way and east of Melby Lane. The project sites are located in the City of Lodi and are identified as 349 Harney Lane (APN 062-290-38), 401 East Harney Lane (APN 062-290-37) and 415 East Harney Lane (APN 062-290-14). A project vicinity map is provided as Figure 1 and photos of the project site are provided in Figure 2.

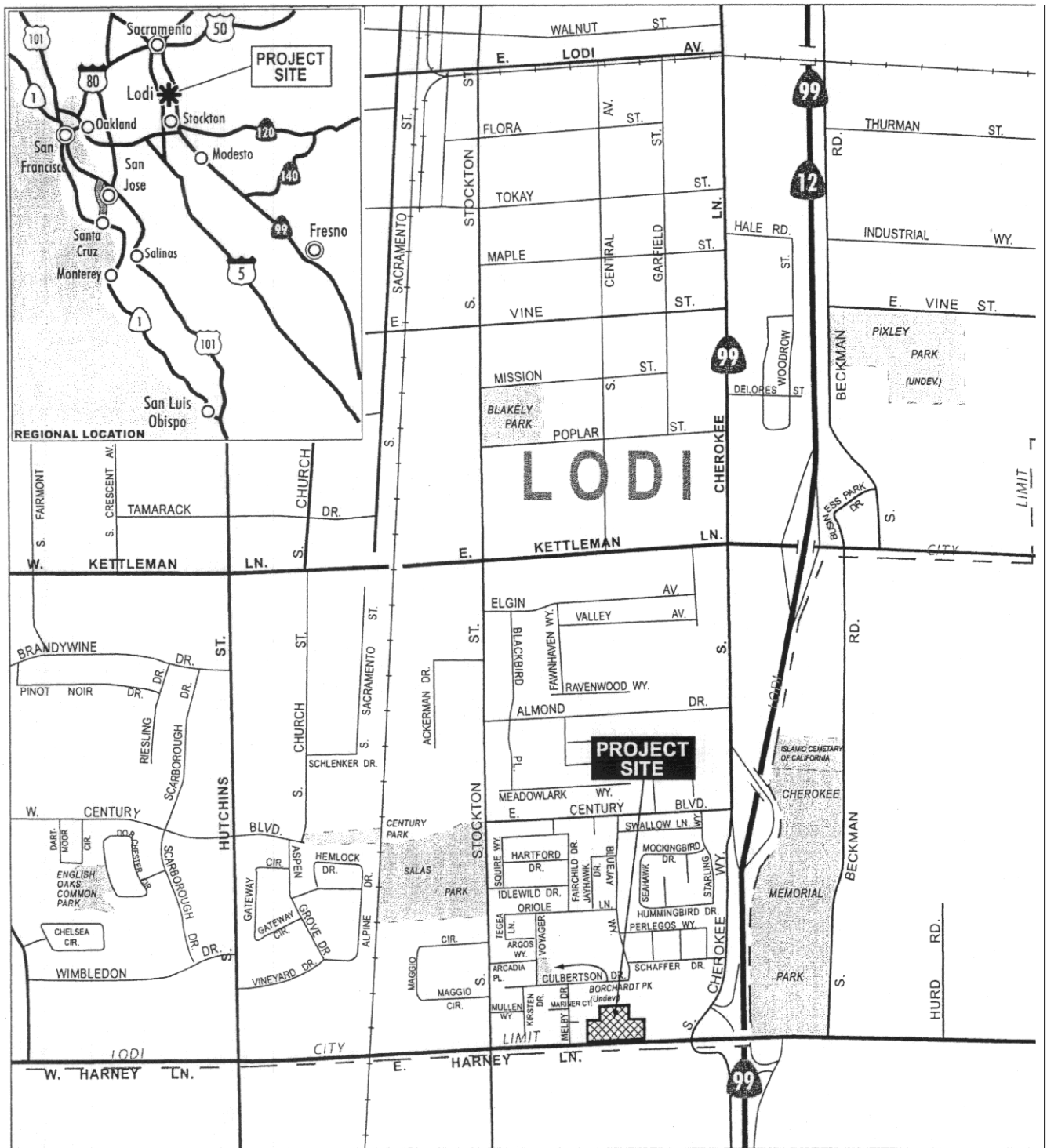
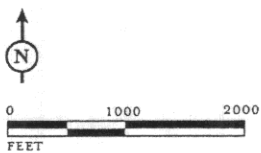


FIGURE 1

LSA



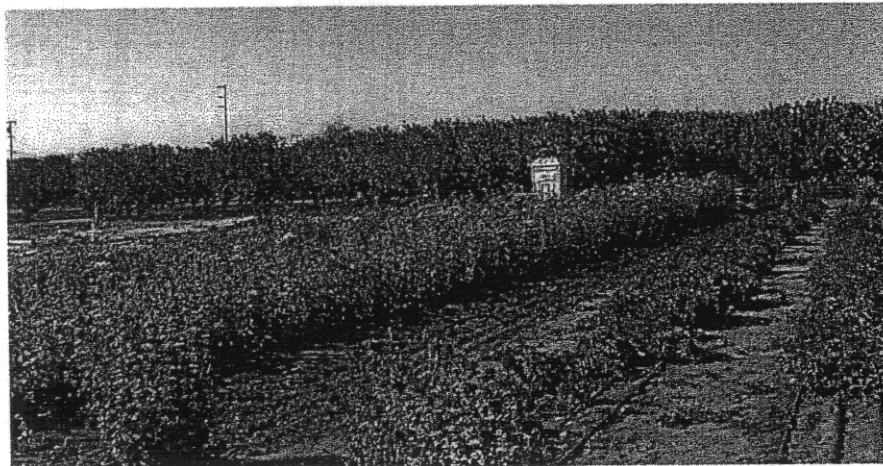
Miller Ranch Development Plan  
Project Location  
and Regional Vicinity

SOURCE: CSAA, 2005; LSA ASSOCIATES, INC., 2005

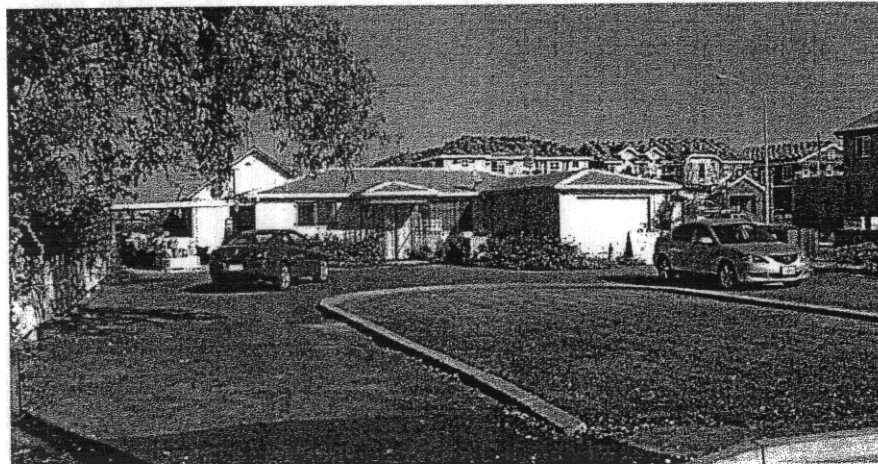
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Single-family home at 349 East Harney Lane



Agricultural land at 401 East Harney Lane



Single-family home at 415 East Harney Lane

FIGURE 2

LSA

*Miller Ranch Development Plan*  
Photos of the Project Site

SOURCE: LSA ASSOCIATES, INC., 2005.

I:\LOD530 miller ranch\figures\Fig\_2.ai (11-11-05)

*349 East Harney Lane*

This parcel is approximately 0.68 acres and is developed with a single-family residence and a detached workshop/storage building. The home is single-story and faces Harney Lane. The home is currently inhabited by the property owners that farm the property at 401 East Harney Lane (also part of this project). The detached workshop/storage building is located behind the home and is not entirely visible to Harney Lane. The workshop is used for the farming operations including storage of farming equipment.

Vehicular access to the site is provided by two driveways off of Harney Lane: one driveway leads to the garage and the other leads to the rear of the home and workshop. There is no sidewalk on Harney Lane. The home is setback approximately 25 feet from Harney Lane and the entire front yard is landscaped with the exception of a driveway and walkway. There is a septic tank on site to service the residence and there are mature trees and shrubs along the north and east property lines.

*401 East Harney Lane*

This parcel is approximately 6.57 acres and there are no permanent structures on-site. The site is used for commercial agriculture, growing cherries and flowers. The cherry trees are located in rows along the western side of the property, while the flowers occupy the central and eastern portions of the site. There are also miscellaneous temporary structures on-site, including a portable restroom, and storage of miscellaneous farming materials, including wood pallets, in the northeast and northwest portions of the site.

Access to the site is provided by a dirt access road off of Harney Lane and there are no designated parking spaces on site.

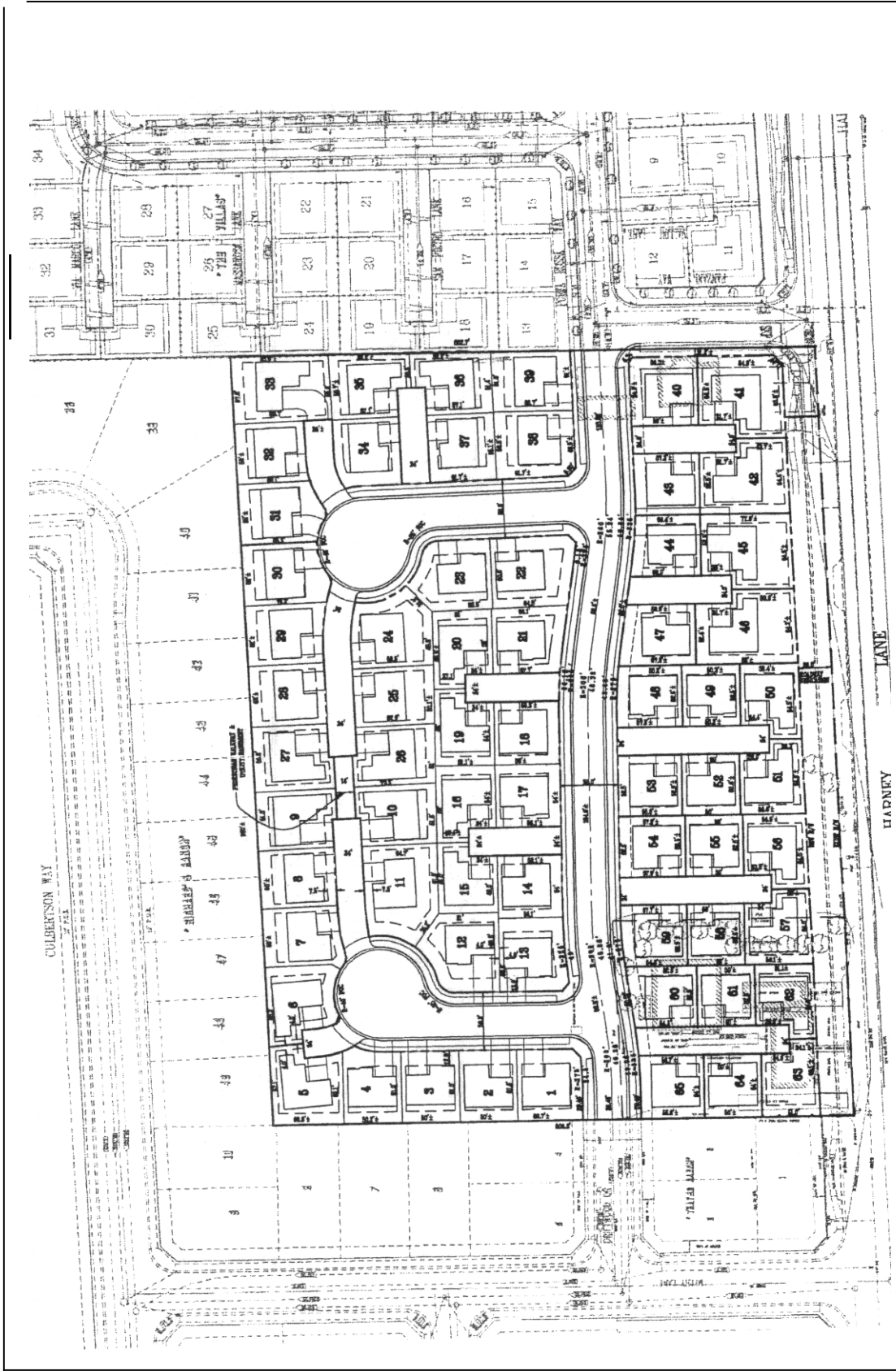
*415 East Harney Lane*

This parcel is approximately 0.67 acres and is developed with a single-family home and a workshop (the home is currently utilized as a construction office for the residential development occurring immediately east of the project site). Both structures are located along the east property line. The home is single-story and is setback approximately 30 feet from Harney Lane. The workshop is located behind the home and is utilized as storage area. Access to the site is provided by two driveways on Harney Lane.

**Proposed Project**

The proposed project includes the demolition of all existing structures on the project site and the construction of 65 single-family units. A conceptual site plan of the proposed project is shown in Figure 3. The General Plan designates the project site for Medium Density Residential land uses (MDR) at a density of 7.1 to 20 dwelling units per gross acre. At 8.2 dwelling units per gross acres, the proposed project would be consistent with the General Plan.

To implement the proposed project, the project applicant has submitted applications for a Zone Change (from Residential, Multiple-Family to a Planned Development Zone) and Growth Management Allocations. The project applicant proposes the construction of 65 single-family detached homes on the project site. The units would be built and sold as individual homes on separate lots.



LSA



NOT TO SCALE

Miller Ranch Development Plan  
Conceptual Site Plan

This project does not include any affordable housing units. All of units would be sold at market-rate value.

The applicant has indicated that product types would match the planned development project currently under construction to the east of the project site, *The Villas*. The Villas include three floor plans varying in size from 1,700 square feet to 1,800 square feet. All units are two-story structures, include a two-car garage, have 3 to 4 bedrooms, and 2½ bathrooms.

Access to the site would be provided by an existing intersection at Panzani Way and Harney Lane and the extension of Driftwood Drive (a residential street to the west). Internal circulation would be provided by one main east/west roadway in the project that would connect with two existing roads, Ponta Rosa to the east and Driftwood Drive to the west. There are also two cul-de-sac streets that would provide north/south access within the site. Most of units would be accessed from 24-foot public lanes.

The project includes a 20-foot dedication for right-of-way improvements on Harney Lane. Improvements include expansion of road way and a bicycle and pedestrian path.

All of the homes would include a two-car garage. Guest parking would be provided in individual driveways, on the main roadway and two cul-de-sacs. No parking would be allowed in the 24-foot wide public lanes. Approximately 35 on-street parking spaces would be provided.

The proposed project would include private yard for each of the units and a minimum landscaped setback of 12 feet in the front yard (front yard setback is reduced to 7.5 feet for homes on public lanes). Rear yards proposed with this project range from 560 to 2,240 square feet. There is no common landscape or play area proposed.

### **Surrounding Land Uses and Setting**

Single-family residential units are located immediately north, east and west of the project site (homes to the east are currently under construction). One single-family home and agriculture lands are located to the south, across Harney Lane. Property to the north and west is zoned R-2 (Residential, Single-Family) and the property to the east is zoned PD (Planned Development). The property south of Harney Lane is located in the County. San Joaquin County designates these parcels as AG-40 (General Agriculture, 40 acre minimum lot size). A project vicinity map is provided in Figure 1.



**B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Transportation/Circulation	<input type="checkbox"/> Utilities and Service Systems
<input type="checkbox"/> Population and Housing	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Hydrology and Water Quality	<input type="checkbox"/> Hazards	<input type="checkbox"/> Recreation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Mandatory Findings of Significance
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Public Services	

**C. LEAD AGENCY DETERMINATION**

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions ion the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: Randy Hatch, Community Development Director For: City of Lodi

**D. ENVIRONMENTAL IMPACT CHECKLIST**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>I. LAND USE AND PLANNING. <i>Would the project:</i></b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy or regulation of any agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat or conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>II. POPULATION AND HOUSING. <i>Would the project:</i></b>				
a) Cumulatively exceed official regional or local population projections?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>III. GEOLOGY AND SOILS. <i>Would the project:</i></b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of top soil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risk to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternate waste water disposal systems where sewers are not available for the disposal of waste water.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>IV. HYDROLOGY AND WATER QUALITY. <i>Would the project:</i></b>				
a) Violate any water standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on or off site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute to run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazards Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or a dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>V. AIR QUALITY. <i>Would the project:</i></b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>VI. TRANSPORTATION/CIRCULATION. <i>Would the project:</i></b>				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency or designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>VII. BIOLOGICAL RESOURCES. <i>Would the project:</i></b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special species status in local or regional plans, policies or regulations, or by the California Department of Fish and Game of U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identifies in local or regional plans, policies regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>VIII. MINERAL RESOURCES. <i>Would the project:</i></b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>IX. HAZARDS. <i>Would the project:</i></b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>X. NOISE. <i>Would the project result in:</i></b>				
a) Exposure of persons to or generation of noise levels in excess of standard established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XI. PUBLIC SERVICES.**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**XII. UTILITIES AND SERVICE SYSTEMS. *Would the project:***

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, State and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**XIII. AESTHETICS. *Would the project:***

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
b) Substantially damage a scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>XIV. CULTURAL RESOURCES. <i>Would the proposal:</i></b>				
a) Create a substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>XV. RECREATION. <i>Would the project:</i></b>				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XVI. AGRICULTURAL RESOURCES. <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</i></b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**



	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## E. EVALUATION OF ENVIRONMENTAL EFFECTS

An evaluation of each environmental impact topic is provided below.

### I. LAND USE AND PLANNING

#### Summary of Land Use and Planning Impacts and Mitigation Measures

The Lodi General Plan includes goals and policies for development and urbanization within the City limits and the City's Sphere of Influence. The Sphere of Influence (also referred to as the planning area) includes unincorporated areas adjacent to the City, to which the City intends to expand and urbanize. The General Plan designates properties within the SOI for future land uses, once incorporated in the City.<sup>1</sup>

The General Plan establishes a land use pattern for development of the City and the City's Sphere of Influence. Though a portion of the project site is currently agricultural land (cherry orchard and flower gardens) the General Plan indicates that the project site and surrounding area (including property south of the Harney Lane, which is within the Sphere of Influence) are planned for urbanization and development. More specifically, the General Plan land use element designates the subject site and surrounding areas for residential development.

The General Plan Land Use Map designates the project area as MDR (Medium Density Residential Land Uses, 7.1-20 dwelling units per gross acre). Properties to the north, east and west are also designated for Medium Density land uses, and have been developed as such. The Medium Density Residential land use designation is intended for development of single-family and multiple-family units. Product types within the MDR designation include both attached and detached units.

Properties to the south, across Harney Lane, are located in the County; however these properties are within the City's Sphere of Influence (SOI). The General Plan designates the properties across Harney Lane as PR (Planned Residential, seven dwelling units per gross acre).

a) *Would the project physically divide an established community?*

The physical division of an established community typically refers to the construction of a physical feature that would impair mobility within an existing community, or between a community and outlying areas. The proposed project would include residential uses that would be surrounded by other existing residential uses. The proposed project would not physically divide an established community.

b) *Would the proposal conflict with any applicable land use plan, policy or regulation of any agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding environmental effects?*

The purpose of this Initial Study is to evaluate the proposed project in compliance with CEQA and the City's applicable environmental plans and policies. The City evaluates development projects against plans and policies of the City's General Plan, Municipal Code and San Joaquin County's Multi-Species Habitat Conservation and Open Space Plan.<sup>2</sup>

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<sup>1</sup> Lodi, City of, 1991. General Plan. June.

<sup>2</sup> San Joaquin County, 2001. San Joaquin's Multi-Species and Habitat Conservation and Open Space Plan.

The proposed project would develop a total 65 single-family detached dwelling units at an overall density of 8.2 dwelling units per gross acre (65 units/7.92 acres). The current General land use designation of Medium Density Residential permits development of attached or detached units between 7.1-20.0 dwelling units per gross acre. The proposed project complies with the product type and density range established by the General Plan.

The current zoning is RMD (Residential, Medium Density), but this project includes a zone change to PD (Planned Development). The intent of the PD zones is to allow for flexibility of traditional zoning code standards in effort to achieve a high quality, livable project without compromising the functionality or safety of the development. The proposed PD zone would modify the development standards of the Zoning Code to be consistent with an existing PD zone immediately east of the project site (PD 36, *The Villas*). Once amended, the proposed project would comply with the City's PD zone requirements.

The project is subject to the City's Right-to-Farm Ordinance because its proximity to agricultural lands.

*c) Would the project conflict with any applicable habitat or conservation plan?*

The San Joaquin Council of Governments established the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan in 2000.<sup>3</sup> The purpose of the plan is to provide a strategy for balancing development while preventing pre-mature development of agricultural lands and protecting endangered species in San Joaquin County. City of Lodi Municipal Code (Section 15.68 San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) Development Fees) was adopted in 2001, in order to implement the goals and objectives of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), and to mitigate the cumulative impacts of new development on undeveloped lands within the city of Lodi and in San Joaquin County. The City has established a fee ordinance for purposes of collecting fees to finance the SJMSCP. Development of the project site is subject to the payment of fees in accordance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

### **Mitigation Measures**

The proposed project would not result in any significant land use impacts; no mitigation measures are required.

## **II. POPULATION AND HOUSING**

### **Summary of Population and Housing Impacts and Mitigation Measures**

The City of Lodi's current population is 60,521. The City's General Plan (Section 2, Land Use Standards, page 2-2)<sup>4</sup> assumes 2.25 persons per household for medium density product development. Using this average household number, it is estimated that the proposed development would result in 146 residents. The City's Growth Management Ordinance anticipates growth at 2 percent of the population per year. Approval of Growth Management Allocations is required prior to issuance of building permits.

*a) Would the proposal cumulatively exceed official regional or local population projections?*

The proposed project would result in the construction of 65 units. The estimated population that would be generated would be approximately 146 residents (65 units x 2.25 persons per unit). The General Plan assumes

<sup>3</sup> San Joaquin Council of Governments, 2000. *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan*.

<sup>4</sup> Lodi, City of, 1991. General Plan. June.

a density of 12 dwelling units per acre when establishing growth patterns for the medium density land use designation (Table A-3, page A-5).<sup>5</sup> This project is 8.2 dwelling units per acre and would not exceed population projections.

The project applicant has filed for 65 medium density growth allocation units (this project would consist of single-family detached homes, but the units are referred to as medium density units because they fall into the medium density land use designation density of 7.1-20 dwelling units per gross acre). There are 45 medium density allocations available for 2005 and 298 medium density allocations available from previous years (the City has not grown at 2 percent per year, so there are allocations/units from previous year that have not been granted).<sup>6</sup> The applicant is requesting approval of the 45 units for 2005 and for 20 units from previous years.

b) *Would the proposal induce substantial growth in area either directly (for example, by proposing new homes or businesses) or indirectly (for example, through extension of roads and other infrastructure)?*

The proposed project would generate a population of approximately 146 residents by constructing 65 new single-family residential units in compliance with the City's General Plan land use designation. New roads and utilities would be added to service the units within the project. The project also includes dedication of 20 feet for widening of Harney Lane, as required by the City's Public Works Department. The project does not include extensions of major roads or infrastructure beyond what is anticipated in the General Plan.

c) *Would the proposal displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

The project site is currently developed with two single-family homes, one of which is currently used as an office for the residential construction activities immediately east of the project site. The home that is utilized as a residence is occupied by the property owners, who have indicated that they intend to move to another home in the City of Lodi. The two existing units are not affordable because they are located on large parcels. The proposed project would remove the two existing homes and replace with 65 new housing units for a net increase of the 63 units.

### **Mitigation Measures**

The proposed project would not result in any significant population and housing impacts; no mitigation measures are required.

## **III. GEOLOGY AND SOILS**

### **Summary of Geologic Impacts and Mitigation Measures**

The project site is located in the southern portion of the Sacramento Valley. Large coalescing alluvial fans have developed along each side of the valley. The larger and more gently sloping fans occur on the east side and consist of deposits derived from rock sources in the Sierra Nevada. The valley deposits are derived from the Coast Ranges to the west and the Sierra Nevada to the east. Basement rocks composed of meta-sediments, volcanic, and granites underlie these deposits. The valley geomorphology includes dissected uplands, low alluvial plains and fans, river flood plains and channels, and overflow lands and lake bottoms.

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<sup>5</sup> Lodi, City of, 1991. General Plan. June.

<sup>6</sup> Lodi, City of, 1991. Municipal Code Chapter 15.38: Growth Management Plan for Residential Development.

The project site is relatively flat and ground water is located approximately 50 feet below ground level.<sup>7</sup>

a) *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; or ii) Strong seismic ground shaking?

Ground shaking is a general term referring to all aspects of motion of the earth's surface resulting from an earthquake, and is normally the major cause of damage in seismic events. The extent of ground shaking is controlled by the magnitude and intensity of the earthquake, distance from the rupture, and local geologic conditions. Magnitude is a measure of the energy released by an earthquake; it is assessed by seismographs that measure the amplitude of seismic waves. No faults are known to cross the City; however, ground shaking may result from an earthquake outside the City and may cause damage to structures. The nearest seismic areas are the Midland Fault, approximately 20 miles west of the City. Based on the inactivity status of this fault, the project site is not identified as being in a special study zone, as would be defined by the Alquist-Priolo Act.<sup>8</sup> The City requires that all new structures comply with California Building Code, Seismic Requirements. Because the project site is not located in a special study zone, the Building Code requirements would provide adequate provisions for development on the site.

iii) *Seismic-related ground failure, including liquefaction?*

Liquefaction is the temporary transformation of loose, saturated granular sediments from a solid state to a liquefied state as a result of seismic ground shaking. In the process, the soil undergoes a temporary loss of strength, which commonly causes ground displacement or ground failure to occur. Since saturated soils are a necessary condition for liquefaction, soil layers in areas where the groundwater table is near the surface have higher liquefaction potential than those in which the water table is located at greater depths. Based on the dense soils and that groundwater is at a depth of 50 feet, the risk of liquefaction is low.<sup>9</sup>

iv) *Landslides?*

The site and immediately adjacent areas are relatively flat. The potential for landslides is considered very low on the site and vicinity and the risk of injury or death associated with land sliding is less than significant.

b) *Result in substantial erosion or loss of top soil?*

The proposed project will include grading and excavation to construct roadways and infrastructure; however, the site will remain relatively flat with little change to the existing topography. To mitigate possible erosion during construction, erosion control measures are included in Mitigation Measure GEO-1.

c) *Would the project be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Differential settlement or subsidence could occur if buildings or other improvements were built on low-strength foundation materials (including imported fill). Pilings are often used to anchor structures to firmer

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<sup>7</sup> Sandelin, Wally, 2005. City Engineer, City of Lodi. Personal communication with LSA Associates, Inc. November.

<sup>8</sup> Lodi, General Plan Final EIR, 1991. April.

<sup>9</sup> Sandelin, Wally, 2005. City Engineer, City of Lodi. Personal communication with LSA Associates. November.

deposits below the surface in these situations. Although differential settlement generally occurs slowly enough that its effects are not dangerous to inhabitants, it can cause significant building damage over time. Areas of the project sites that contain loose or uncontrolled (non-engineered) fill may be susceptible to settlement. Although ground soils within the project area consist of strong, non-expansive soils, a Geotechnical Investigation will be conducted to provide grading and site preparations to prevent any such settlement of proposed buildings (see Mitigation Measure GEO-1).

d) *Would the project be located on expansive soil, as defined in Table 18-I-B of the Uniform Building Code (1994), creating substantial risk to life or property?*

Ground soils within the project area consist of Tokay fine sandy loam and Tokay fine sandy loam hardpan substratum. Both of these soil types have good bearing strength, are not expansive, and pose little constraint to development.<sup>10</sup>

e) *Would the project have soils incapable of adequately supporting the use of septic tanks or alternate waste water disposal systems where sewers are not available for the disposal of waste water?*

The proposed project would be connected to Lodi's sanitary sewer system and would not entail the use of septic tanks or alternative water disposal systems.

### **Mitigation Measures**

**Mitigation Measure GEO-1:** Prior to the issuance of a grading permit, a Geotechnical Investigation shall be prepared for the project site. The project applicant shall incorporate any grading and site preparations as recommended in the Preliminary Geotechnical Investigation.

## **IV. HYDROLOGY AND WATER QUALITY**

### **Summary of Water Impacts and Mitigation Measures**

Lodi and its surrounding areas are underlain by alluvial soils deposited by runoff from surrounding mountain ranges. The alluvium is underlain with sedimentary layers that contain a major aquifer system that extends throughout the Central Valley. The alluvium is saturated below a relatively shallow depth, making the sedimentary layers underneath the area part of the major aquifer system that extends throughout the Central Valley. The Mokelumne River flows along the northern boundary of the City of Lodi. The river serves to recharge groundwater aquifers, and further to the west, provides drinking water and irrigation water to agricultural lands and communities. City of Lodi obtains all of its fresh water supply from 24 existing water wells that pump groundwater from the Longer San Joaquin Valley Groundwater Basin.<sup>11</sup>

The City's General Plan EIR (Chapter 12, Hydrology and Water Quality, pages 12-3 and 12-4)<sup>12</sup> includes analysis and discussion of the City's water supply. In summary, the EIR found that the build out of the General Plan would have significant adverse impacts on water supply because the cumulative demand for water would increase by 67 percent. At the time the EIR was prepared, the City was already overdrafting from its main water source, ground water. The General Plan EIR includes mitigation measures to reduce impacts to water supply.

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<sup>10</sup> Lodi, General Plan Final EIR, 1991. April.

<sup>11</sup> Brown and Caldwell, 2001. Urban Water Management Plan, City of Lodi, June.

<sup>12</sup> Lodi, General Plan Final EIR, 1991. April.

The project site is not located within a designated flood zone, nor are there any water bodies on the project site.

*a) Would the project violate any water standards or waste discharge requirements?*

The proposed project (65 units) would discharge into surface waters at a higher volume than the current uses on the site (two units). The project applicant will be required to prepare a Storm Water Prevention Plan (SWPP) will be prepared for review and approval by the Public Works Department, prior to the approval of grading permits for the proposed project (see mitigation measures below). The SWPP would be reviewed and approved by the City to ensure that water discharge requirements are met during construction and throughout the life of the project. The proposed project would not violate any water standards or waste discharge requirements.

*b) Substantially deplete ground water supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

The project site is currently developed, and includes buildings, pavement, gravel, and dirt surfaces. While there would be more impervious surfaces associated with the proposed project, landscaped areas would be incorporated into the proposed project to allow for groundwater recharge. Because landscape areas would be incorporated in the project, the project would not result in a substantial reduction in the amount of ground water; however, it will contribute to a cumulative loss of available water supply. The General Plan EIR determined that significant cumulative impacts would result from the build out of the General Plan. Because the proposed project would not independently have a significant affect on the available water supply, the water supply impacts are found to be less-than-significant. (see more detailed discussion under the utilities subsection on page 38) .

*c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site?*

The proposed project (65 units) would discharge into surface waters at a higher volume than the current uses on the site (two units). Run-off discharge is discussed below under IV.e. A Storm Water Prevention Plan (SWPP) will be required as detailed in mitigation measure HYD-4 below. The SWPP will provide mechanisms to reduce storm water run-off during construction and throughout the life of the project. The proposed project would not substantially alter the existing drainage pattern of the site or area.

*d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?*

See discussion IV.c above.

*e) Would the project create or contribute to run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional substantial additional sources of polluted run-off?*

Construction will increase impervious surface, which will increase the volume of runoff water from the project site. The City of Lodi municipal storm drainage system consists of an integrated system of trunk lines, detention basins, and pump stations. Surface infrastructure such as gutters, alley, and storm ditches provide

for collection of storm water into the system. The runoff (precipitation and irrigation) would discharge to the local storm drainage system. During periods of low runoff (not a major storm) the water will flow to a regional-serving pump station (Beckman Park). The water is directly pumped into the Woodbridge Irrigation District Canal adjacent to the park. During periods of intense rainfall, the runoff will spill into the detention basin located at Salas Park (on Stockton Street northwest of the project site) where it will be held until the storm passes. The Beckman Park pumps will then drain the basin.<sup>13</sup> The City will utilize the SWPPP to ensure that the project does not result in substantial additional sources of polluted runoff (see mitigation measure HYD-4).

Utility plans are reviewed as part of the Public Works Department's review process, to confirm the capacity of the existing drainage facilities around the project site are adequate to service the needs of the proposed project.

*f) Would the project otherwise substantially degrade water quality?*

See response above related to impacts to surface water quality. The project includes 65 new residential units, which will generate typical domestic water quality impacts to ground water. Domestic impacts related to ground water quality would include seepage of automotive emissions and leaked fluids and household and garden chemicals into the groundwater, which is about 50 feet below the surface. These impacts are typical of residential development and would not result in substantial impacts to water quality.

*g) Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazards Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

The project site is not located in a flood hazard zone. FEMA designates the project site as Flood Zone X (outside 100 year flood plane).

*h) Would the project place housing within a 100-year flood hazard area structures which would impede or redirect flood flows?*

See discussion IV.g above.

*i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or a dam?*

The proposed project consists of 65 residential units in a residential neighborhood. The project site is not located near a body of water, a levee or a dam. No such risks of loss, injury or death would result from this project.

*f) Would the project expose people or structures to inundation by seiche, tsunami or mudflow?*

The project site is not located near an ocean, lakefront or other large body of water; tsunamis or seiches are not probable.

**Mitigation Measures**

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<sup>13</sup> Sandelin, Wally, 2005. City Engineer, City of Lodi. Personal communication with LSA Associates, Inc. November.



Mitigation Measure HYD-1: As a condition of approval of the final grading and drainage plans for the project, the Public Works department shall review the Master Utility Plan for the site for compliance with the City's storm water requirements.

Mitigation Measure HYD-2: Prior to the approval of the final grading and drainage plans, the project engineer shall provide a hydraulic analysis to the Public Works Department for review and approval so that implementation of the proposed drainage plans will comply with the City's storm water requirements.

Mitigation Measure HYD-3: The project shall include landscape areas, as shown titled "Revised 2005 Development Plan" prepared by Baumbach & Piazza, Inc., dated May, 2005, to allow for groundwater recharge.

Mitigation Measure HYD-4: As a part of the compliance with National Pollutant Discharge Elimination System (NPDES) requirements, a Notice of Intent (NOI) and associated fees would need to be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) providing notification and intent to comply with the General Permit to Discharge Storm Water Associated with Construction Activity for this project (copies of the NOI and fee payment shall be provided to the City). Prior to construction and site grading, a Storm Water Pollution Prevention Plan (SWPPP) is required for construction activities and remediation on-site. The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the implementation and operation of the proposed project. The project proponent shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of the project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

An important component of the stormwater quality protection effort is the acknowledgement of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, which must include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046,14 monitoring would be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff."<sup>15</sup> RWQCB and/or City personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.

BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The

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<sup>14</sup> State Water Resources Control Board, 2001. Modification of Water Quality Order 99-08-DWQ State Water Resources Control Board (SWRCB) National Pollutant Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity.

<sup>15</sup> Construction materials and compounds that are not stored in water-tight containers under a water-tight roof or inside a building are examples of materials for which the discharger may have to implement sampling and analysis procedures.

potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control; that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, then these areas shall be seeded by September 1 and irrigated as necessary to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.

The City Public Services Department shall review the SWPPP and drainage plan prior to approval of the grading plan. City staff may require more stringent stormwater treatment measures, at their discretion. Implementation of this mitigation would reduce the level of significance of this impact to a less-than-significant level.

## **V. AIR QUALITY**

### **Summary of Air Quality Impacts and Mitigation Measures**

The proposed project is located within the San Joaquin Valley Air Pollution Control District (SJVAPCD). In accordance with the City's General Plan, the City coordinates development review with SJVAPCD standards in order to minimize impacts to air quality.

*a) Would the project conflict with or obstruct implementation of the applicable air quality plan?*

The proposed project would construct 65 single-family units, as intended by the general plan, and is subject to SJVAPCD regulations. The project would not conflict or obstruct any air quality plans.

*b) Would the project violate air quality standards or contribute substantially to an existing or projected air quality violation to an existing or projected air quality violation?*

The proposed project would develop 65 single-family dwelling units in the Multiple-Family Residential land use designation. According to SJVAPCD, a single-family project with less than 152 units requires an air quality analysis at the "Small Project Analysis Level" (SPAL). SJVAPCD has pre-calculated the emissions of projects that qualify as SPAL and there is no possibility of exceeding air quality emission thresholds. However, SPAL does not eliminate other factors such as toxic air contaminants, hazardous materials, asbestos and odors resulting from project construction. The following discussion describes potential air quality violations that could occur as a result of construction equipment exhaust emissions, fugitive dust, and long-term vehicular emissions.<sup>16</sup>

Project-related construction activities would include demolition, site preparation, earthmoving and general construction. Site preparation includes activities such as general land clearing. Earthmoving activities include cut and fill operations, trenching, soil compaction, and grading. General construction includes adding improvements such as roadways surfaces, structures, and facilities. The emissions generated from construction activities include dust, combustion emissions, and evaporative emissions from asphalt paving and architectural coating applications.

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<sup>16</sup> San Joaquin Valley Air Pollution Control District, 1998. *Guide for Assessing and Mitigating Air Quality Impacts*. (Revised 2002).

Construction activities would also result in emissions from equipment exhaust, construction-related vehicular activity and construction worker automobile trips. Emission levels for construction would vary depending on the number and type of equipment, duration of use, operation schedules, and the number of construction workers. Criteria pollutant emissions of ROG and NO<sub>x</sub> from these emission sources would incrementally add to regional atmospheric loading of ozone precursors during project construction. SJVAPCD's *CEQA Guidelines* recognize that construction equipment emits ozone precursors, but indicate that such emissions are included in the emission inventory that is the basis for regional air quality plans.

Demolition may result in airborne entrainment of asbestos, a toxic air contaminant, particularly where structures built prior to 1980 are being demolished. Some structural components of the buildings to be demolished may contain hazardous materials such as asbestos used in insulation, fire retardants, or building materials, and lead-based paint. If asbestos were found to be present in building materials to be removed, demolition and disposal would be required to be conducted in accordance with procedures specified by SJVAPCD's regulations. Therefore, the required compliance with existing regulations would ensure that the potential for public health hazards associated with airborne asbestos fibers or lead dust would be at less-than-significant levels.

Construction-related fugitive dust emissions would vary from day to day, depending on the level and type of activity, silt content of the soil, and the weather. In the absence of mitigation, construction activities may result in significant quantities of dust, and as a result, local visibility and PM<sub>10</sub> and PM<sub>2.5</sub> (particulate matter) concentrations may be adversely affected on a temporary and intermittent basis during the construction period. In addition, the fugitive dust generated by construction would include not only PM<sub>10</sub>, but also larger particles, which would fall out of the atmosphere within several hundred feet of the site and could result in nuisance-type impacts. The SJVAPCD's recommends implementation of effective and comprehensive dust control measures rather than detailed quantification of emissions. The District considers any project's construction-related impacts to be less than significant if the required dust-control measures are implemented. Without these measures, the impact is generally considered to be significant, particularly if sensitive land uses are located in the project vicinity. In the case of this project, residential land uses are located immediately adjacent to the boundaries of the project site. Therefore, without mitigation, the impact of fugitive dust emissions would be considered significant.

Consistent with Regulation VIII, Fugitive PM<sub>10</sub> Prohibitions of the SJVAPCD, the following controls are required to be implemented at all construction sites and as specifications for the project. Regulation VIII is incorporated as Mitigation Measure AIR-2.

Implementation of Mitigation Measure AIR-1 and AIR-2 would reduce construction-related air quality impacts to a less-than-significant level.

*c) Would the project result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

See discussion IV.b above.

*d) Would the project expose sensitive receptors to substantial pollutant concentrations?*

The proposed project would expose surrounding residential units to pollutants during construction. Mitigation Measures AIR-1 and AIR-2 would reduce the construction related pollutants to a less-than-significant level.

Air quality impacts related to the proximity of agricultural land uses to the south, across Harney Lane, include fumes and odors from typical farming activities. The City's Right-to-Farm Ordinance requires that the new home buyers be notified of farming activities, including odors, upon purchasing the units.

*e) Would the proposal create objectionable odors effecting a substantial number of people?*

Some objectionable odors may be generated from the operation of diesel-powered construction equipment and/or asphalt paving during the project construction period. However, these odors would be short term in nature and would not result in permanent impacts to surrounding land uses, including sensitive receptors in the vicinity of the project site. The proposed project involves residential uses, and would not involve any component that would generate significant odors. Additionally, there are no potential odor sources within the vicinity of the project site. Therefore, no significant impacts related to objectionable odors would result from the proposed project.

### **Mitigation Measures**

**Mitigation Measure AIR-1:** The following construction equipment mitigation measures are to be implemented at construction sites to reduce construction exhaust emissions:

1. Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment;
2. Properly and routinely maintain all construction equipment, as recommended by the manufacturer manuals, to control exhaust emissions.
3. Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling emissions;
4. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use to 7:00am to 7:00pm; and
5. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways.

**Mitigation Measure AIR-2:** Consistent with Regulation VIII, Fugitive PM<sub>10</sub> Prohibitions of the SJVAPCD, the following controls are required to be implemented at all construction sites and as specifications for the project.

1. All disturbed areas, including storage piles, which are not being used on a daily basis for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
4. During the demolition of existing buildings, all exterior surfaces of the building shall be wetted during demolition.
5. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained.

6. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
7. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.
8. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
9. Site with 150 or more vehicle trips per day shall prevent carryout and trackout. Prevention measures include requiring all trucks to drive over a bed of gravel to rid the tires of dirt and mud prior to exiting the site.

## **VI. TRANSPORTATIONS/CIRCULATION**

### **Summary of Transportation/Circulation Impacts and Mitigation Measures**

The City reviews development projects for consistency with the General Plan Circulation Element<sup>17</sup> and the Lodi Bicycle Transportation Master Plan<sup>18</sup>. Access to the project site is provided via Harney Lane and SR- 99 is the nearest highway. The General Plan designates Harney Lane as a 4-lane divided arterial (General Plan, Figure 2-1, page 2-7). The Bicycle Master Plan shows a Class II bike path on Harney Lane. A Class II bike path is a striped bikeway within the paved area of a road (Bicycle Master Plan, Chapter IV, page 23).

*a) Would the proposal cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in substantial increase in either the number of vehicle trips, the volume to capacity, ratio on roads, or congestion at intersections)?*

According the General Plan EIR (page 9-9) the multi-family land use designation trip ratio is 6 trips per dwelling unit.<sup>19</sup> The proposed project would generate approximately 390 vehicle trips per day (65 units x 6 trips). The General Plan land use element assumed development of 12 units per acre for properties designated as MDR. At 12 units per acre, the General Plan assumed the subject site would be developed with 91 units. The proposed project is below the density anticipated by the General Plan. Additionally, the General Plan designates Harney Lane as a four-lane divided arterial. The proposed project includes dedication of 20 feet on the north side of Harney Lane to accommodate the future right-of-way. The proposed project will not increase vehicle trips or traffic congestion beyond the level anticipated by the General Plan and the project will be subject to traffic impact fees, as required by the General Plan EIR (page 9-9).

*b) Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency or designated roads or highways?*

As stated above under VI.a, the proposed development is less dense than anticipated by the general plan and would only produce approximately 390 vehicle trips per day. The proposed project would not exceed service standards for Harney Lane or other adjacent roadways.

<sup>17</sup> Lodi, General Plan, 1991.

<sup>18</sup> Brady and Associates, Inc., 1994. Lodi Bicycle Transportation Master Plan. November 16.

<sup>19</sup> Lodi, General Plan Final EIR, 1991. April.

Additionally, Caltrans has reviewed the proposed project and determined that the project would not create a major impact on SR-99; however, it would contribute to impacts when combined with existing and proposed development in the City of Lodi. To mitigate its share of impacts on SR-99, the proposed project would be subject to fees on a “Fair Share” basis (see Mitigation Measure TRAF-2).

*c) Would the project result in a change to air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

The proposed project is not in the vicinity of a flight path. No impacts to air traffic would occur as a result of the proposed project.

*d) Would the project increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?*

The main access to the project would be provided by one controlled intersection at Harney Lane and Panzani Way. Additionally, the project can be accessed from Driftwood (existing street) and Ponta Rosa (street currently under construction). The project complies with City standards for street size and type and would reduce the number of driveways on Harney Lane. The project would slightly increase vehicular traffic (390 trips per day), but access to the site would not burden the traffic pattern for farm equipment associated with the agriculture uses to the south.

*e) Would the proposal result in inadequate emergency access?*

The project would be accessed by one controlled intersection on Harney Lane. Access to the individual units within the project site is provided by one east/west street, two cul-de-sac streets and several public lanes. The main east/west street right-of-way is 50 feet and parking is permitted on both sides of the street. The cul-de-sac street right of way is also 50 feet, parking is permitted on both sides of the street and the cul-de-sacs are approximately 180 feet long. The public lanes are 24 feet wide, parking is not permitted on either side and the public lanes are 90-120 feet long. The Fire Department has reviewed the proposed site plan and determined that the proposed circulation pattern complies with the City standards. Access to nearby uses would be provided by the east/west street that would connect Driftwood Drive (on the west) to Ponta Rossa Way (on the east).

*f) Would the proposal result in inadequate parking capacity?*

The Zoning Code requires two covered parking spaces per unit. The site plan (see Figure 3) indicates each unit would have a two-car garage. On-street parking (approximately 35 parking spaces) is also permitted within the project site. Guest parking would be provided in individual driveways and within the approximately 35 on-street parking spaces.

*g) Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?*

The proposed site plan includes extension of an existing pedestrian walkway within a landscape area along Harney Lane and sidewalks within the project site. The proposed project would also implement the City's Bicycle Transportation Master Plan<sup>20</sup> by dedicating additional right-of-way along Harney Lane to accommodate a Class II bicycle lane. The proposed project would eliminate driveways along Harney Lane

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<sup>20</sup> Brady and Associates, Inc., 1994. Lodi Bicycle Transportation Master Plan. November 16.

and provide controlled access at intersections for a safer pedestrian/bike and car interactions. There are no bus routes that service Harney Lane between Ham Lane and Lower Sacramento Road.

### **Mitigation Measures**

**Mitigation Measure TRAF-1:** To mitigate its share of traffic impacts on City streets, the project applicant/developer shall be subject to traffic impact fees assessed by the City of Lodi.

**Mitigation Measure TRAF-2:** To mitigate its share of impacts on SR-99, the project applicant/developer shall be subject to fees on a “Fair Share” basis as stipulated in the soon-to-be-adopted regional traffic impact fees established by the San Joaquin County Council of Governments.

## **VII. BIOLOGICAL RESOURCES**

### **Summary of Biological Resource Impacts and Mitigation Measures**

The San Joaquin Council of Governments established the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan in 2000.<sup>21</sup> The purpose of the plan is to provide a strategy for balancing development with protecting endangered species in San Joaquin County. City of Lodi Municipal Code (Section 15.68 San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) Development Fees) was adopted in 2001, in order to implement the goals and objectives of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), and to mitigate the cumulative impacts of new development on undeveloped lands within the city of Lodi and in San Joaquin County. The City has established a fee ordinance for purposes of collecting fees to finance the SJMSCP. Development of the project site is subject to the payment of fees in accordance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

The project site is developed with two single-family homes, with ancillary storage buildings, and agricultural farm land (cherry tree orchard a commercial flower garden). During a recent site visit, there was no evidence of endangered species or natural habitat on-site.

*a) Would the project have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

No evidence of endangered, threatened or rare species or their habitats was found during a recent site visit. In compliance with the SJMSCP, a biological study will be prepared to determine if there are any species or habitats on-site. Participation in the SJMSCP satisfies the state and federal endangered species acts, and ensures that impacts are mitigated to a less-than-significant level.<sup>22</sup> The San Joaquin Council of Governments (SJCOG) has reviewed the proposed project and recommends Mitigation Measure BIO-1 listed below to ensure compliance with the SJMSCP.

*b) Would the proposal have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

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<sup>21</sup> San Joaquin Council of Governments, 2000. *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan*.

<sup>22</sup> Ibid.

The project site is developed with two single-family homes and agricultural uses on Harney Lane in the City of Lodi. No evidence of wetland habitat was found during a recent site visit. Mitigation Measure BIO-1 requires that a biological survey be conducted in compliance with the SJMSCP. Should the survey find wetland habitat on-site, impacts fees would be assessed in accordance with the SJMSCP.

*c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

There are no federally protected wetlands on the project site.

*d) Would the project interfere substantially with the movement of any native resident or migratory fish of wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The project site would not impact the movement of any native or wildlife species, nor would it impact a migration corridor because it is not located within a migration corridor. The site is developed with two single-family homes and an agricultural business. Furthermore, the site is surrounded by residences to the north, east and west. However, Mitigation Measure BIO-1 requires that a biological survey be conducted in compliance with the SJMSCP. Should the survey find evidence of wildlife migration patterns on-site, impacts fees would be assessed in accordance with the SJMSCP.

*e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

There are a few shrubs and several non-native trees on the subject site that were planted several years ago (excluding cherry and flower farming plants). The City does not designate local species (e.g., heritage trees). The City relies on the SJMSCP for regulation and mitigation of biological impacts. As stated in VII.a, the project would be subject to fees in compliance with the SJMSCP.

*f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?*

The project site would comply with the provisions of the SJMSCP, which is the only applicable conservation plan.

### **Mitigation Measures**

**Mitigation Measure BIO-1:** Consistent with the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), a SJMSCP biological survey must be completed and the appropriate fees shall be paid prior to receiving building permits.



## **VIII. ENERGY AND MINERAL RESOURCES**

### **Summary of Energy and Mineral Resource Impacts and Mitigation Measures**

The City implements the California State Building Codes related to energy efficient construction standards.

*a) Would the proposal result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?*

Development of the site would not result in the loss of availability of any known mineral resource that would be of future value to the region and the residents of the State. There are no known mineral deposits within the area. The soil in the area is a sandy loam type. There is no indication that valuable minerals are located within the general area.

*b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

The general plan does not designate this project area as a locally-important mineral recovery site. As discussed under VIII.a, there are no known mineral deposits within the project area.

### **Mitigation Measures**

The proposed project would not result in any significant energy and mineral resource impacts; no mitigation measures are required.

## **IX. HAZARDS**

### **Summary of Hazard Related Impacts and Mitigation Measures**

The proposed project involves the demolition, site grading, and other construction activities to develop 65 new single-family homes. The project would include short term hazard impacts related to demolition of existing structures and storage/use of typical construction materials of 65 single-family residential units. The project would not involve storage of any explosives or hazardous substances, beyond the typical domestic supplies of household chemicals or gardening supplies.

*a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The proposed project would construct 65 single-family homes in a residential neighborhood; however, there are agricultural uses south of the project site, across Harney Lane in San Joaquin County. Similar land patterns of agriculture next to single-family homes exist throughout the City. The City's "Right to Farm Ordinance" requires that disclaimers are provided to new home buyers regarding the adjacency of agricultural uses.<sup>23</sup> The existing agricultural use would not present potential health hazards to people within proposed residential units.

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<sup>23</sup> Lodi, City of, 1991, op. cit.

*b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The proposed project consists of 65 new single-family homes on property designated as Residential Medium Density in the City's General Plan. The proposed future development would not involve explosives or hazardous substances, with the exception of possible gardening pesticides, and household chemicals, which would not qualify as significant hazardous impact.

*c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?*

The project site is located within ¼ mile of Lois E. Borchardt Elementary School; however, as discussed above under IX.b, the project would not emit hazardous materials.

*d) Would the project be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the environment?*

The project site is not listed as a hazardous material site.<sup>24</sup>

*e) For a project located within an airport land use plan or where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

The project site is not located within an airport land use plan or within 2 miles of a public or public use airport. The closest airport is Kingdon Airpark Airport which is approximately 5.6 miles southwest of the of the project site.

*f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

The project site is not located within an airport land use plan or within 2 miles of a public or public use airport. The closest airport is Kingdon Airpark Airport which is approximately 5.6 miles southwest of the of the project site.

*g) Would the project impair or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The proposed project would develop new residential units in an existing neighborhood. The Fire Department has reviewed the proposed project and determined that plans meet the City's standards for accessibility for emergency vehicles. Additionally, building permits are subject to review and approval by the City's Fire Department.

*h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildfires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands?*

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<sup>24</sup> State of California Department of Toxic Substance Control, 2005. DTSC's Hazardous Waste and Substance Site List (Cortese List). Website: [www.dtsc.ca.gov/database/Calsites/Cortese\\_List.cfm?county=39](http://www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm?county=39)

The proposed project would construct 65 single-family homes in a residential neighborhood surrounded by existing urban development and an arterial road. No significant risk of wildfire would result from the proposed project.

### **Mitigation Measures**

**Mitigation Measure HAZ-1:** To ensure that the project does not interfere with emergency evacuation plans, grading and building plans shall be subject to review and approval by the Fire Department.

## **X. NOISE**

### **Summary of Noise Impacts and Mitigation Measures**

The City evaluates noise impacts based on the General Plan Noise Element and Chapter 9.24 of the Municipal Code, Noise Regulation. The General Plan Noise Element (page 6-7) establishes the maximum outdoor noise level of 55-60db as acceptable for residential units. Chapter 9.24 of the Municipal Code states that noise, of a commercial or non-commercial nature, shall not exceed the ambient noise level by more than five decibels at a point measured at the property line of any residential property. The project would have short term impacts related to typical construction noise.

*a) Would the project expose persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The project would result in temporary noise impacts related to construction (truck traffic, demolition, etc.) The City prohibits construction between the hours of 7:00 a.m. to 10:00 p.m., seven days a week. The site is surrounded by homes and construction in the evening hours could result in a substantial impact. Mitigation Measure NOI-1 would limit construction hours to mitigate potential noise impacts to a level of less-than-significant.

Increased noise would also result from project related traffic; however, as discussed above under Traffic and Circulation, the project would result in only 390 vehicle trips per day, which would increase the noise level by less than 1 decibel (dB). The human ear can only detect increases in noise levels of 3.0 dB or greater in outdoor environments. Therefore, the increase of less than 1 db would not impose significant long term noise impacts.

Additionally, the residents of the future development could be exposed to potential long-term noise generated by the vehicular traffic on Harney Lane. The City's General Plan identifies Harney Lane to have a noise level (Ldn) of 65-70db within 100 feet from the centerline of Harney Lane. For residential projects, 65-70db is considered "Normally Unacceptable" without mitigation. Mitigation Measure NOI-2 would mitigate the noise level for future residents to a less-than-significant level.

*b) Would the project expose persons to or generation of excessive ground borne vibration or ground borne noise levels?*

The proposed project is entirely residential and no excessive ground borne noise or vibration would result from the proposed project. See discussion above under X.a for noise impacts related to vehicular traffic.

*c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.*

The proposed project would construct new residential units in a residential neighborhood. The future residents would be subject to the City's noise ordinance and no substantial permanent increase would result.

*d) Would the project result in substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

See discussion above under X.a.

*e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport, or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The project site is not located within an airport land use plan or within 2 miles of a public or public use airport. The closest airport is Kingdon Airpark Airport which is approximately 5.6 miles southwest of the of the project site.

### **Mitigation Measures**

**Mitigation Measure NOI-1:** To minimize temporary construction noise impacts on surrounding residences, construction hours shall be limited to 7:00 a.m. to 7:00 p.m., seven days a week.

**Mitigation Measure NOI-2:** To minimize long term noise impacts on future residents, a sound attenuation study shall be submitted for review and approval by the Planning Division. Said study shall provide measure to reduce the potential outdoor noise to a level acceptable for residential units (below 60db) as stipulated in the Noise Element of the General Plan. Measures may include sound attenuation walls, increased insulation and insulated windows.

## **XI. PUBLIC SERVICES**

### **Summary of Public Service Impacts and Mitigation Measures**

Police and fire services are provided by the City of Lodi and Lodi Unified School District provides school services. The addition of 65 homes to the City of Lodi will generate the need for expanded governmental services including schools, fire, and police services. Impacts to police, fire and school services would be mitigated through established capital impact fees.

*a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:*

*i) Fire protection:* The Lodi Fire Department provides fire protection services to the project site. Fire Station 3, at 2104 South Ham Lane, provides fire service to the project site. There are three personnel on duty at all times. The General Plan includes a policy to maintain a 3-minute travel time for fire emergency calls. The current response time is less than 3 minutes and impacts to response times are not anticipated as a result of the proposed project.<sup>25</sup> The proposed project would be subject to the Citywide Development Impact Mitigation Fee schedule that was adopted to insure that new

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<sup>25</sup> Hoover, Linda, 2005. Lodi Fire Department. Personal communication with LSA Associates, Inc. November.

development generates sufficient capital revenue to maintain specified levels of service in Lodi, including fire services.

*ii) Police protection:* The Lodi Police Department provides police protection for the project site. The project site is located within the Heritage District, Patrol Beat 4, which has a minimum of one officer on duty at all times.<sup>26</sup>

The General Plan includes a policy to maintain 1.3 police officers per 1,000 residents. The proposed project would increase the population by 146 residents for a total of 60,667 residents (60,521 current population + 146). With 60,667 residents, the City would need to have 78 police officers to maintain the policy of 1.3 officers per 1,000 residents ( $60.6 \times 1.3 = 78$ ). The City of Lodi's Police Department is budgeted for 78 police officers. The proposed project would be subject to the Citywide Development Impact Mitigation Fee schedule that was adopted to insure that new development generates sufficient capital revenue to maintain specified levels of service in Lodi, including police services.

*iii) Schools:* The Lodi Unified School District (LUSD) provides school service to the project site. LUSD has 37 school sites and the project would be served by the following schools: Borchardt Elementary (grades K-6), Lodi Middle School (grades 7-8), and Tokay High School (grades 9-12). The 2005 enrollment figures for these schools are 331, 1,167 and 2,870 respectively.<sup>27</sup>

According to the LUSD, single family development generates 0.31 K-6th grade students per unit, 0.08 7th-8th grade students per unit, and 0.15 9th-12th grade students per unit.<sup>28</sup> Using this student generation rate, the proposed project would generate twenty K-6th students, five 7-8th grade students and ten 9th-12th grade students. Borchardt Elementary and Lodi Middle School are currently under capacity and the potential addition of students from this project will not exceed school capacities. Tokay High School is currently over capacity by seventy students and the proposed project would potentially add ten high school students. The addition of ten additional students to a school that is already over capacity would not result in a significant impact on schools.<sup>29</sup> The development is subject to a mitigation fee of \$3.79 per square foot for residential uses.

*iv) Parks:* There are no parks proposed as part of this project. The future residents will utilize existing parks, the closest of which is Samuel Salas Park, which is within 1,300 feet. The project would be subject to the Citywide Development Impact Mitigation Fee schedule that was adopted to insure that new development generates sufficient capital revenue to maintain specified levels of service in Lodi, including park services.

*v) Other public facilities:* The Citywide Development Impact Mitigation Fee schedule was adopted to insure that new development generates sufficient capital revenue to maintain specified levels of service in Lodi, including public facilities.

### **Mitigation Measures**

**Mitigation Measure PUB-1:** The project applicant/developer shall be subject to development impact fees for fire and police services established by the City of Lodi.

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<sup>26</sup> Versteeg, Eric, 2005. Lodi Police Department. Personal communication with LSA Associates, Inc. November.

<sup>27</sup> Lodi Unified School District, 2005. Lodi Unified School District Boundary Maps. Website: <http://sites.lodiussd.net/schoolcity/ssb/content.cfm>.

<sup>28</sup> Brum, Vickie, 2005. Lodi Unified School District. Personal communication with LSA Associates. November.

<sup>29</sup> Brum, Vickie, 2005. Lodi Unified School District. Personal communication with LSA Associates. November.

Mitigation Measure PUB-2: The project applicant/developer shall be subject to school impact fees established by Lodi Unified School District.

## **XII. UTILITIES AND SERVICE SYSTEMS**

### **Summary of Utilities and Service Impacts and Mitigation Measures**

The project site is not currently connected to utilities. The City of Lodi provides water, wastewater and electrical service to the site; Central Valley Waste Services provides solid waste disposal. Water, wastewater and storm drain facilities are available in adjacent residential developments and may be extended to serve the project site.

*a) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

The proposed project, and the treatment of wastewater, would adhere to all applicable water quality regulations and not exceed wastewater treatment requirements of the Regional Water Quality Control Board. No major modifications or additions to local or regional water treatment or distribution facilities would be required as a result of this project.

*b) Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?*

See discussion under *XII.a*

*c) Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?*

The runoff will discharge to the local storm drainage system. During periods of low runoff (not a major storm) the water will flow to a regional-serving pump station at Beckman Park. The water is directly pumped into the Woodbridge Irrigation District Canal adjacent to the park. During periods of intense rainfall, the runoff will spill into the detention basin located at Salas Park (on Stockton Street northwest of the project site) where it will be held until the storm passes. The Beckman Park pumps will then drain the basin.

The City is limited by agreement with Woodbridge Irrigation District on the rate of pumping into the WID canals. City currently operates pump stations at two locations that discharge into the WID canals. When the runoff from the storm event exceeds the allowed pumping rate, water backs up in the system and spills to a number of storm detention basins around town. Salas Park is one of those basins.<sup>30</sup>

Runoff water quality is regulated by the National Pollutant Discharge Elimination System (NPDES) Nonpoint Source Program (established through the Clean Water Act); the NPDES program objective is to control and reduce pollutants to water bodies from nonpoint discharges. The program is administered by the California Regional Water Quality Control Boards. The project site would be under the jurisdiction of the CVRWQCB.

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<sup>30</sup> Sandelin, Wally, 2005. City Engineer, City of Lodi. Personal communication with LSA Associates, Inc. November.

In addition, the proposed project would disturb more than one acre of land<sup>31</sup> during construction and would therefore be required to file a Notice of Intent (NOI) with the RWQCB to be covered under the State NPDES General Construction Permit for discharges of storm water associated with construction activity. A developer must propose control measures that are consistent with the State General Permit. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and implemented for each site covered by the general permit. A SWPPP should include Best Management Practices (BMPs) designed to reduce potential impacts to surface water quality during the construction of the project. Mitigation Measure HYD-4 requires an SWPP be prepared for this project.

*d) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

Groundwater from 26 wells is the primary source of water supply for the City of Lodi.<sup>32</sup> As discussed above in under IV.i, the project proposed project would not substantially reduce the amount of ground water otherwise available for public water supply; the proposed project would develop at a less intense rate than anticipated in the General Plan. However, the project would contribute to cumulative impacts on availability water supply. The General Plan EIR determined that there would not be adequate water supply to accommodate build out of the General Plan; the City is currently implementing measures to increase the supply (e.g., conservation methods, metering of all new units, and purchasing water rights to the Mokelumne River) and has determined that they can adequately serve the proposed project.<sup>33</sup>

*e) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

The City of Lodi Public Works Department provides wastewater collection and treatment services to areas within the City of Lodi. The collection system includes separate domestic and industrial lines. Untreated sewage is piped to the City's treatment plant using both gravity flow and lifts stations.

As part of the development plan review process, the City of Lodi Public Works Department will review utility plans and the applicant will be subject to sewer connection fees at the time of development.

*f) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

Central Valley Waste Services, a subsidiary of Waste Management, Inc., provides solid waste collection services to the City of Lodi. Central Valley Waste collects solid waste from residential, commercial and industrial properties in the City of Lodi and transports the waste to a Transfer Station and Materials Recovery Facility (MRF). The waste is then transferred to large haul vehicles that transport the waste to the North County Landfill. The proposed 65 single-family units is less than what was anticipated for this property by

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<sup>31</sup> The State Water Resources Control Board, Water Quality Order 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES), General Permit for Storm Water Discharges Associated with Construction Activity (General Permit) states that: The regulations provide that discharges of stormwater to waters of the United States from construction projects that encompass five or more acres of soil disturbance are effectively prohibited unless the discharge is in compliance with an NPDES Permit. Regulations (Phase II Rule) that became final on December 8, 1999 expand the existing NPDES program to address stormwater discharges from construction sites that disturb land equal to or greater than 1 acre and less than 5 acres (small construction activity). The regulations require that small construction activity, other than those regulated under an individual or Regional Water Quality Control Board General Permit, must be permitted no later than March 10, 2003.

<sup>32</sup> Brown and Caldwell, 2001. Urban Water Management Plan, City of Lodi, June.

<sup>33</sup> Sandelin, Wally, 2005. City Engineer, City of Lodi. Personal communication with LSA Associates, Inc. November.

the City's General Plan. No major modifications or additions solid waste disposal facilities would be required as a result of this project.

*g) Would the project comply with federal, State and local statutes and regulations related to solid waste?*

The proposed project would comply with all federal, State and local statutes and regulations related to solid waste.

**Mitigation Measures**

The proposed project would not result in any significant utility and service system impacts; no mitigation measures are required.

**XIII. AESTHETICS**

**Summary of Aesthetic Impacts and Mitigation Measures**

The existing visual character of the project site includes a two single-family homes, two storage/workshop buildings, portable structures and outdoor storage materials used in connection with the agricultural business (green house structures once visible to Harney Lane were recently demolished). The proposed project is located on Harney Lane. Harney Lane is not designated as a scenic route and there are no scenic views of natural hillsides or vistas to or from the project site.

*a) Would the project have a substantial effect on a scenic vista?*

The proposed project would not effect a scenic vista or scenic highway because there are no known or recognized scenic views or highways in or immediately around the project area. The project area is surrounded by existing single-family residential subdivisions with Harney Lane to the south. Harney Lane is not designated as a scenic highway to street route.

*b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?*

The project site consists of two single-family homes and agricultural land uses. There are no such scenic resources on site and the project site is not visible from a scenic highway.

*c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?*

The existing visual character of the project site includes two single-family homes and two workshop/storage buildings. Additionally, the agriculture business includes views of utility cabinets, a portable bathroom and outdoor storage of materials including several stacks of wood pallets. The single-family home at 349 Harney Lane has been well maintained and is currently occupied. The single-family home at 415 Harney Lane has been subject to deferred maintenance and is currently used as a construction office for the residential project currently under construction to the east of the project site. Figure 2, shows photographs of the existing condition of the project site.

The proposed project would include the construction of 65 single-family homes. These units would include a level of detail similar to the existing single-family homes in the neighborhood immediately east of the project site. The side elevations of units 41-63 would be visible to Harney Lane. Though not specifically shown on the site plan (see Figure 3) the project would include a masonry wall along Harney Lane. The height of the



wall may be determined by a sound attenuation study, but never the less, the wall should include detailing or landscaping to break up the length and massing. By providing architectural interest to side elevations of lots 41-63, as well as all others within the project, and by providing specific details (such as cap stones and landscaping) to the wall along Harney Lane, the proposed subdivision would result in an improvement to the existing visual character of the site.

*d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The existing conditions on the project site include exterior lighting. The new development would emit some light and glare during evening hours, as is typical in residential environments. The proposed project would include indoor lighting and outdoor lighting for safety purposes. Implementation of Mitigation Measure AES-3 would reduce potential impacts associated with light and glare to a less than significant level.

#### **Mitigation Measures**

Mitigation Measure AES-1: Plans submitted for building permits shall show architectural enhancements for street side elevations of units 41-63. Architectural enhancements shall be similar to that provided on the front elevations of said units including, but not limited to, decorative iron work, window banding, shutters, and varying roof-lines. Said plans shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-2: Plans submitted for the masonry wall along Harney Lane (whether or not a sound wall is required) shall include decorative treatments such as cap stones and columns. Additionally, clinging vines (on 3-foot centers) and other landscaping shall be planted on the wall. Design of the wall shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-3: Outdoor lighting associated with the proposed development shall be designed and located to minimize ambient light levels for any given application, consistent with public safety standards. Lighting shall be placed in areas of pedestrian activity and at residential entrances, and shall be minimized elsewhere. Ornamental, pedestrian scale lighting fixtures shall be utilized when possible. Lighting fixtures shall be shielded and directed downward to minimize glare on neighboring properties.

#### **XIV. CULTURAL RESOURCES**

##### **Summary of Cultural Resource Impacts and Mitigation Measures**

Based on the General Plan EIR (Chapter 11, Cultural Resources, pages 11-1 and 11-2)<sup>34</sup>, there are no archaeological or cultural resources recorded within the City of Lodi. It is also noted that there are two cultural resources (Native American occupation/burial sites north of City near the Mokelumne River). The General Plan designates the project site for residential land uses. Should cultural resources be discovered during project grading/construction, a Mitigation Measure is incorporated to reduce potential impacts to a less-than-significant level.

*a) Would the project create a substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.5?*

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<sup>34</sup> Lodi, General Plan Final EIR, 1991.

The project site is surrounded by residential development. The proposed residential subdivision would not affect unique ethnic cultural or historical values as there is no information that such values exist on-site. The project site does not contain a registered or listed historical landmark.<sup>35</sup>

*b) Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Section 15064.5*

Based on the General Plan EIR and a recent site visit, there is no evidence of archeological or paleontological resources on site. The proposed project would require site grading to accommodate roads and proper drainage. During the grading process, the developer shall cease operations and contact the proper authorities if anything of archeological or paleontological significance is found.

*c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?*

See discussion under XIV.b

*d) Would the project disturb any human remains, including those interred outside of formal cemeteries?*

No human remains are known to exist on the project site. The vicinity of the project site has a low potential for Native American sites. The project is proposed in a location that has been subject to previous ground disturbing activities related to the construction of the existing homes and agricultural operations. If human remains are encountered, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner is required to notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the owner of the land or his/her representative, the descendant shall inspect the site of the discovery. The descendant shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

### **Mitigation Measures**

**Mitigation Measure CULT-1:** If deposits of prehistoric or historical archaeological materials are encountered during project construction activities, all work within 50 feet of the discovery shall be stopped and a qualified archaeologist shall be contracted to evaluate the discoveries and make recommendations regarding their potential significance and extent throughout the site. If such deposits cannot be avoided, they shall be evaluated for their California and National Register eligibility. If the deposits are not eligible, additional mitigation is not necessary. If the deposits are eligible, they shall be avoided or adverse project effects shall be mitigated. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results of the research, and recommendations for additional mitigation. In accordance with the City's General Plan Urban Design and Cultural Resources Element, the City shall consult the California Archeological Inventory, Central California Information Center, at Stanislaus State University, for recommended mitigation measures.

## **XV. RECREATION**

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<sup>35</sup> CERES: State Historical Landmarks for San Joaquin County, 2005. Website: [www.ceres.ca.gov/geo\\_area/counties/San\\_Joaquin/landmarks.html](http://www.ceres.ca.gov/geo_area/counties/San_Joaquin/landmarks.html).

### **Summary of Recreation Impacts and Mitigation Measures**

The proposed project would include the construction of 65 single-family homes, which would generate approximately 146 people. There are no public parks or tot lots proposed within the development; however all of the proposed residences would include private open space within rear yards. The City's General Plan includes a goal for 8 acres of parks per 1,000 residents and 3.9 acres of parks per 1,000 residents (excluding detention basins and school parks).<sup>36</sup>

*a) Would the project increase the use of neighborhood or regional parks or other recreation facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

The proposed project does not contain any public recreation elements. Private open space would be provided within individual yards. There are three recreational facilities within a mile of the project site, including the Samuel D. Salas Park, Century Park and English Oaks Park.<sup>37</sup> The closest park is Samuel Salas Park, which is approximately 1,300 feet (0.24 miles) from the project site.

The proposed project would include the construction of 65 single-family homes, which would generate approximately 146 people. The General Plan contains a policy requiring a parks-to-population ratio of 3.9-to-1,000 (excluding school parks and detention basins). The proposed project does not include public open space; park impact fees would be assessed upon issuance of building permits. The projected increase in population as a result of this project would not result in increase demand for parks and recreation services such that substantial deterioration of parks would occur or be accelerated.

*b) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The project does not include the construction or require the expansion of recreational facilities.

### **Mitigation Measures**

The proposed project would not result in any significant recreation impacts; no mitigation measures are required.

## **XVI. AGRICULTURAL RESOURCES**

### **Summary of Agricultural Resource Impacts and Mitigation Measures**

This section is based on information from the California Resources Agency California Land Conservation Act (Williamson Act) Program and the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency. The most recent FMMP information available for San Joaquin County is from 2004.

*a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses?*

The Farmland Mapping and Monitoring Maps prepared by the Department of Conservation designate the subject site as urban built-up land, which is not a category of farmland importance.<sup>38</sup> However, the project

<sup>36</sup> Lodi, City of, 1991, op. cit.

<sup>37</sup> Lodi, City of, 2005. Community Development, Mapguide. Website: <http://mapguide.lodi.gov>.

site consists of three parcels, one of which is dedicated to the agricultural uses of a cherry tree orchard and commercial flower garden. The General Plan designates the entire project site for residential land uses and development has occurred around the site, such that the project site has become an “in-fill” residential project. To mitigate the development of this agricultural site, the applicant is subject to mitigation fees established in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan. Mitigation Measure LU-1 requires compliance with the San Joaquin Multi-Species Habitat Conservation and Open Space Plan.

*b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Though there is active agricultural land use on the project site, the site is currently zoned for development of medium density land uses. The property is not under Williamson Act contract. The proposed project includes a zone change from Medium Density to Planned Development. The project would be consistent with the proposed zoning designation.

*c) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses?*

The proposed project is surrounded by residential development, with the exception of properties south of Harney Lane, which are agricultural lands located in the County. The proposed project would not change the environment such that the existing agricultural uses would be converted. The farming rights of the property owners to the south, across Harney Lane would be protected because the applicant is subject to compliance with the City’s Right-to-Farm Ordinance.<sup>39</sup>

### **Mitigation Measures**

The proposed project would not result in any significant agricultural impacts; no mitigation measures are required.

## **XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

### **Summary of Mandatory Findings**

*a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?*

The proposed project consists of the construction of 65 new residential units on the 7.92 acres in the southwest portion of the City of Lodi. The subject site is designated for residential development and is currently surrounded by residential land uses to the north, east and west. The project site is developed with two single-family homes and an agricultural use (cherry orchard and commercial flower garden) and there is no evidence of wildlife on-site. The project would not potentially degrade the quality of the environment or substantially reduce the habitat of fish or wildlife species. The proposed project would not eliminate important examples of major periods of California history or prehistory.

*b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when in*

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<sup>39</sup> Lodi, City of, 1991. Municipal Code Chapter 8.18: Notification of Agricultural Operations Effecting Other Property.

*connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

The construction of 65 new single-family homes and related infrastructure improvements will increase the residential population in the existing neighborhood, as anticipated by the City's General Plan. Cumulatively considerable impacts associated with increased traffic on Highway 99 and to the overall water supply would be mitigated to less-than-significant levels with the implementation of the mitigation measures provided above, in Sections IV and VI. The proposed project is located in a residential area and the inclusion of the mitigation measures mentioned above will reduce potentially significant impacts that would become cumulatively considerable when viewed in connection with the effects of past, current and reasonably foreseeable future projects.

*c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

The proposed project consists of construction of a new residential development and would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

**F. SOURCES**

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San Joaquin Valley Air Pollution Control District, 1998. *Guide for Assessing and Mitigating Air Quality Impacts*. (Revised 2002)

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**Communications**

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Dumas, Tom. 2005. Department of Transportation. Written communication to Mark Meissner, City of Lodi Community Development Department, July 1.

Hoover, Linda, 2005. City of Lodi Fire Department. Personal communication with LSA Associates, Inc. November.

Meissner, Mark, 2005. City of Lodi Community Development Department. Personal communication with LSA Associates, Inc. November.

Sandelin, Wally, 2005. City Engineer, Lodi Public Works Department. Personal communication with LSA Associates, Inc. November.

Versteeg, Eric, 2005. City of Lodi Police Department. Personal communication with LSA Associates, Inc. November.

**G. MITIGATION MEASURES TO BE INCLUDED IN THE PROJECT AND AGREED TO BY THE PROJECT SPONSOR AND ALL SUBSEQUENT PROPERTY OWNERS AND PERMITTEES**

The following mitigation measures are required to reduce potentially significant impacts of the proposed project to a “Less-Than-Significant” or “No Impact” level. These mitigation measures shall be made conditions of approval for the project. For every mitigation measure, the Permittee will be responsible for implementation actions, schedule, funding and compliance with performance standards, unless otherwise stated in the measure.

Mitigation Measure GEO-1: Prior to the issuance of a grading permit, a Geotechnical Investigation shall be prepared for the project site. The project applicant shall incorporate any grading and site preparations as recommended in the Preliminary Geotechnical Investigation.

Mitigation Measure HYD-1: As a condition of approval of the final grading and drainage plans for the project, the Public Works department shall verify that the Master Utility Plan for the site will comply with the City’s storm water requirements.

Mitigation Measure HYD-2: Prior to the approval of the final grading and drainage plans, the project engineer shall provide a hydraulic analysis to the Public Works Department for verification that implementation of the proposed drainage plans would comply with the City’s storm water requirements.

Mitigation Measure HYD-3: The project shall include landscape areas, as shown titled “Revised 2005 Development Plan” prepared by Baumbach & Piazza, Inc., dated May, 2005, to allow for groundwater recharge.

Mitigation Measure HYD-4: As a part of the compliance with National Pollutant Discharge Elimination System (NPDES) requirements, a Notice of Intent (NOI) and associated fees would need to be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) providing notification and intent to comply with the General Permit to Discharge Storm Water Associated with Construction Activity for this project (copies of the NOI and fee payment shall be provided to the City). Prior to construction and site grading, a Storm Water Pollution Prevention Plan (SWPPP) is required for construction activities and remediation on-site. The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the implementation and operation of the propose project. The project proponent shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of the project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

Mitigation Measure AIR-1: The following construction equipment mitigation measures are to be implemented at construction sites to reduce construction exhaust emissions:

1. Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment;
2. Properly and routinely maintain all construction equipment, as recommended by the manufacturer manuals, to control exhaust emissions.
3. Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling emissions;



4. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use to 7:00am to 7:00pm; and
5. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways.

Mitigation Measure AIR-2: Consistent with Regulation VIII, Fugitive PM<sub>10</sub> Prohibitions of the SJVAPCD, the following controls are required to be implemented at all construction sites and as specifications for the project.

1. All disturbed areas, including storage piles, which are not being used on a daily basis for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
4. During the demolition of existing buildings, all exterior surfaces of the building shall be wetted during demolition.
5. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained.
6. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
7. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.
8. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
9. Site with 150 or more vehicle trips per day shall prevent carryout and trackout. Prevention measures include requiring all trucks to drive over a bed of gravel to rid the tires of dirt and mud prior to exiting the site.

Mitigation Measure TRAF-1: To mitigate its share of traffic impacts on City streets, the project applicant/developer shall be subject to traffic impact fees assessed by the City of Lodi.

Mitigation Measure TRAF-2: To mitigate its share of impacts on SR-99, the project applicant/developer shall be subject to fees on a "Fair Share" basis as stipulated in the soon-to-be-adopted regional traffic impact fees established by the San Joaquin County Council of Governments.

Mitigation Measure BIO-1: Consistent with the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), a SJMSCP biological survey must be completed and the appropriate fees shall be paid prior to receiving building permits.

Mitigation Measure HAZ-1: To ensure that the project does not interfere with emergency evacuation plans, grading and building plans shall be subject to review and approval by the Fire Department.

Mitigation Measure NOI-1: To minimize temporary construction noise impacts on surrounding residences, construction hours shall be limited to 7:00 a.m. to 7:00 p.m., seven days a week.

Mitigation Measure NOI-2: To minimize long term noise impacts on future residents, a sound attenuation study shall be submitted for review and approval by the Planning Division. Said study shall provide measure to reduce the potential outdoor noise to a level acceptable for residential units (below 60db) as stipulated in the Noise Element of the General Plan. Measures may include sound attenuation walls, increased insulation and insulated windows.

Mitigation Measure PUB-1: The project applicant/developer shall be subject to development impact fees for fire and police services established by the City of Lodi.

Mitigation Measure PUB-2: The project applicant/developer shall be subject to school impact fees established by Lodi Unified School District.

Mitigation Measure AES-1: Plans submitted for building permits shall show architectural enhancements for street side elevations of units 41-63. Architectural enhancements shall be similar to that provided on the front elevations of said units including, but not limited to, decorative iron work, window banding, shutters, and varying roof-lines. Said plans shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-2: Plans submitted for the masonry wall along Harney Lane (whether or not a sound wall is required) shall include decorative treatments such as cap stones and columns. Additionally, clinging vines (on 3-foot centers) and other landscaping shall be planted against to wall. Design of the wall shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-3: Outdoor lighting associated with the proposed development shall be designed and located to minimize ambient light levels for any given application, consistent with public safety standards. Lighting shall be placed in areas of pedestrian activity and at residential entrances, and shall be minimized elsewhere. Ornamental, pedestrian scale lighting fixtures shall be utilized when possible. Lighting fixtures shall be shielded and directed downward to minimize glare on neighboring properties.

Mitigation Measure CULT-1: If deposits of prehistoric or historical archaeological materials are encountered during project construction activities, all work within 50 feet of the discovery shall be stopped and a qualified archaeologist shall be contracted to evaluate the discoveries and make recommendations regarding their potential significance and extent throughout the site. If such deposits cannot be avoided, they shall be evaluated for their California and National Register eligibility. If the deposits are not eligible, additional mitigation is not necessary. If the deposits are eligible, they shall be avoided or adverse project effects shall be mitigated. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results of the research, and recommendations for additional mitigation. In accordance with the City's General Plan Urban Design and Cultural Resources Element, the City shall consult the California Archeological Inventory, Central California Information Center, at Stanislaus State University, for recommended mitigation measures.

**II. AGREEMENT BY PROJECT SPONSOR**

Project Sponsor, acting on behalf of all present and future property owners and Permittees, understands the mitigation measures set forth above and agrees to be bound by them if they are adopted as a result of project approval. Monitoring reports shall be provided to the Community Development Director and Director of Public Works at appropriate stages in the development process.

J. Jeffrey Kirst  
Project Sponsor's Signature

12/27/05  
Date

J. Jeffrey Kirst Applicant  
Project Sponsor's Printed Name and Title

## PLANNING COMMISSION RESOLUTION NO. P.C. 06-02

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING APPROVAL TO THE LODI CITY COUNCIL TO ADOPT THE MITIGATED NEGATIVE DECLARATION (ND-05-01) AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM PERPARED FOR THE MILLER RANCH DEVELOPMENT PROJECT**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public meeting, as required by law, to consider the Mitigated Negative Declaration; and

WHEREAS, the subject properties are located at 349, 401 and 415 East Harney Lane (APN: 062-290-38, 062-290-37 and 062-290-14); and are more particularly described as:

#### PARCEL ONE:

The West 8 acres of the South 20 acres, EXCEPT the West 170 feet of the South 201.6 feet thereof of the following described tract of land.

A portion of the southeast quarter of Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, commencing for the same at the southeast corner of said Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian; thence South 88 degrees West along the section line between Sections 13 and 24, a distance of 1650 feet; thence north, 1056 feet; thence North 88 degrees East 1650 feet to the east line of Section 13; thence south, 1056 feet to the point of beginning.

APN 062-290-14 and 062-290-37

#### PARCEL TWO:

The West 170.0 feet of the South 201.6 feet of the West 8 acres of the South 20 acres of the following described tract of land.

A portion of the Southeast Quarter of Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, commencing for the same at the southeast corner of said Section 13, Township 3 North, Range 6 East, Mount Diablo Base Meridian; thence South 88 degrees West along the Section line between Sections 13 and 24, a distance of 1650 feet; thence North 1056 feet; thence North 88 degrees East, 1650 feet to the east line of Section 13; thence South, 1056 feet to the point of beginning.

APN 062-290-38

WHEREAS, an Initial Study/Mitigated Negative Declaration (File No. ND-05-01) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided there under; and

WHEREAS, a Notice of Intention to adopt an Initial Study/Mitigated Negative Declaration was published in the Lodi News Sentinel and was posted at City Hall on December 24, 2005 and;

WHEREAS, the Notice of Intention and copy of said Initial Study/Mitigated Negative Declaration were sent to responsible agencies and the San Joaquin County Clerk on December 22, 2005 and;

WHEREAS, a copy of the Initial Study/Mitigated Negative Declaration was kept on file for public review within the Community Development Department at 221 West Pine Street, Lodi, CA for a 20 day comment period commencing on December 24, 2005 and ending on January 13, 2006;

WHEREAS, the City received one comment letter in response to the Notice of Intention from the San Joaquin County Air Pollution Control District stating that the District concurs with the analysis and findings within the Air Quality Section of the Initial Study/Mitigated Negative Declaration; and

WHEREAS, a Mitigated Monitoring and Reporting Program was prepared in accordance with CEQA and is attached herein as Exhibit A.

Based upon the evidence within the staff report and project file the Planning Commission of the City of Lodi makes the following findings:

1. The Planning Commission has reviewed and considered the information contained in said Initial Study/Mitigated Negative Declaration with respect to the Miller Ranch Development Project.
2. The Initial Study and Mitigated Negative Declaration represent the independent judgment of the City.
3. Through the Initial Study it was determined that though the project could have a significant effect on the environment, there will not be a significant effect in this case because Mitigation Measures have been agreed to by the project proponent and incorporated into the proposal to reduce any impacts to a less than significant level. Said Mitigation Measures are on file in the City of Lodi Planning Department, File No. ND-05-01: Miller Ranch Development Project Mitigated Negative Declaration.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED that the Planning Commission of the City of Lodi hereby recommends adoption of Mitigated Negative Declaration (ND-05-01) to the City Council of the City of Lodi.

NOW, THEREFORE, BE IT FURTHER FOUND, DETERMINED AND RESOLVED that the Planning Commission of the City of Lodi hereby recommends adoption of the Mitigation Monitoring and Reporting Program included in Exhibit A to the City Council of the City of Lodi.

Dated: January 25, 2006

I hereby certify that Resolution No. 06-02 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on January 25, 2006, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: \_\_\_\_\_  
Secretary, Planning Commission

## **EXHIBIT A**

### **MITIGATION MONITORING AND REPORTING PROGRAM**

#### **MILLER RANCH DEVELOPMENT PROJECT**

This Mitigation Monitoring and Reporting Program (MMRP) was formulated based on the findings of the Initial Study and Mitigated Negative Declaration (IS/MND) for the Miller Ranch Development project. This MMRP is in compliance with Section 15097 of the *CEQA Guidelines*, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The MMRP lists mitigation measures recommended in the IS/MND and identifies mitigation monitoring requirements. These requirements are provided only for mitigation measures that would reduce or avoid significant impacts of the proposed project.

Table A presents the mitigation measures identified for the proposed project. Each mitigation measure is numbered according to the topical section to which it pertains. As an example, Mitigation Measure GEO-1 is the first mitigation measure identified in Section III, Geology and Soil.

The first column of Table A provides the mitigation measures that were identified in the IS/MND. The column entitled “Party Responsible for Implementing Mitigation” identifies the party responsible for carrying out the required actions. The columns entitled “Party Responsible for Monitoring,” and “Timing,” identify the party ultimately responsible for ensuring that the mitigation measure is implemented, and the approximate timeframe for the oversight agency to ensure implementation of the mitigation measure.

<b>Table A: Mitigation Monitoring and Reporting Program</b>			
<b>Mitigation Measures</b>	<b>Party Responsible for Implementing Mitigation</b>	<b>Party Responsible for Monitoring</b>	<b>Timing</b>
<b>I. Land Use and Planning</b>			
<i>No mitigation required.</i>			
<b>II. Population and Housing</b>			
<i>No mitigation required.</i>			
<b>III. Geology and Soils</b>			
Mitigation Measure GEO-1: Prior to the issuance of a grading permit, a Geotechnical Investigation shall be prepared for the project site. The project applicant shall incorporate any grading and site preparations as recommended in the Preliminary Geotechnical Investigation.	Project Sponsor	Community Development Department	Prior to issuance of grading permits
<b>IV. Hydrology and Water Quality</b>			
Mitigation Measure HYD-1: As a condition of approval of the final grading and drainage plans for the project, the Public Works department shall verify that the Master Utility Plan for the site will comply with the City's storm water requirements.	Project Sponsor/ Developer	Public Works Department	Prior to approval of grading plans
Mitigation Measure HYD-2: Prior to the approval of the final grading and drainage plans, the project engineer shall provide a hydraulic analysis to the Public Works Department for verification that implementation of the proposed drainage plans would comply with the City's storm water requirements.	Project Sponsor/ Developer	Public Works Department	Prior to approval of grading plans
Mitigation Measure HYD-3: The project shall include landscape areas, as shown titled "Revised 2005 Development Plan" prepared by Baumbach & Piazza, Inc., dated May, 2005, to allow for groundwater recharge.	Project Sponsor/ Developer	Community Development Department	Prior to issuance of building permits
Mitigation Measure HYD-4: As a part of the compliance with National Pollutant Discharge Elimination System (NPDES) requirements, a Notice of Intent (NOI) and associated fees would need to be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) providing notification and intent to comply with the General Permit to Discharge Storm Water Associated with Construction Activity for this project (copies of the NOI and fee payment shall be provided to the City). Prior to construction and site grading, a Storm Water Pollution Prevention Plan (SWPPP) is required for construction activities and remediation on-site. The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the implementation and operation of the propose project. The project proponent shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of the project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.	Project Sponsor/ Contractor	Public Works Department	Prior to site grading and construction

<b>Table A: Mitigation Monitoring and Reporting Program</b>			
<b>Mitigation Measures</b>	<b>Party Responsible for Implementing Mitigation</b>	<b>Party Responsible for Monitoring</b>	<b>Timing</b>
<b>V. Air Quality</b>			
<p><u>Mitigation Measure AIR-1:</u> The following construction equipment mitigation measures are to be implemented at construction sites to reduce construction exhaust emissions:</p> <ul style="list-style-type: none"> <li>• Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment;</li> <li>• Properly and routinely maintain all construction equipment, as recommended by the manufacturer manuals, to control exhaust emissions.</li> <li>• Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling emissions;</li> <li>• Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use to 7:00am to 7:00pm; and</li> <li>• Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways.</li> </ul>	Project Sponsor/ Construction Contractor	Building Inspection Division	Prior to issuance of demolition permits and during grading and construction activities
<p><u>Mitigation Measure AIR-2:</u> Consistent with Regulation VIII, Fugitive PM10 Prohibitions of the SJVAPCD, the following controls are required to be implemented at all construction sites and as specifications for the project.</p> <ul style="list-style-type: none"> <li>• All disturbed areas, including storage piles, which are not being used on a daily basis for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.</li> <li>• All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.</li> <li>• All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.</li> <li>• During the demolition of existing buildings, all exterior surfaces of the building shall be wetted during demolition.</li> <li>• When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained.</li> <li>• All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)</li> </ul>	Project Sponsor/ Construction Contractor	Building Inspection Division	Prior to issuance of demolition permits and during grading and construction activities



<b>Table A: Mitigation Monitoring and Reporting Program</b>			
<b>Mitigation Measures</b>	<b>Party Responsible for Implementing Mitigation</b>	<b>Party Responsible for Monitoring</b>	<b>Timing</b>
<ul style="list-style-type: none"> <li>Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.</li> <li>Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.</li> <li>Site with 150 or more vehicle trips per day shall prevent carryout and trackout. Prevention measures include requiring all trucks to drive over a bed of gravel to rid the tires of dirt and mud prior to exiting the site.</li> </ul>			
<b>VI. Transportation and Circulation</b>			
<b>Mitigation Measure TRAF-1:</b> To mitigate its share of traffic impacts on City streets, the project applicant/developer shall be subject to traffic impact fees assessed by the City of Lodi.	Project Sponsor/ Developer	Community Development Department/ Public Works Department	Prior to issuance of building permits
<b>Mitigation Measure TRAF-2:</b> To mitigate its share of impacts on SR-99, the project applicant/developer shall be subject to fees on a "Fair Share" basis as stipulated in the soon-to-be-adopted regional traffic impact fees established by the San Joaquin County Council of Governments.	Project Sponsor/ Developer	Public Works Department	Prior to issuance of building permits
<b>VII. Biological Resources</b>			
<b>Mitigation Measure BIO-1:</b> Consistent with the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), a SJMSCP biological survey must be completed and the appropriate fees shall be paid prior to receiving building permits.	Project Sponsor/ Developer	San Joaquin Council of Governments	Prior to issuance of building permits
<b>VIII. Mineral Resources</b>			
<i>No mitigation required.</i>			
<b>IX. Hazards</b>			
<b>Mitigation Measure HAZ-1:</b> To ensure that the project does not interfere with emergency evacuation plans, grading and building plans shall be subject to review and approval by the Fire Department.	Project Sponsor/ Construction Contractor	Fire Department	Prior to issuance of grading permits and building permits
<b>X. Noise</b>			
<b>Mitigation Measure NOI-1:</b> To minimize temporary construction noise impacts on surrounding residences, construction hours shall be limited to 7:00 a.m. to 7:00 p.m., seven days a week.	Project Sponsor/ Construction Contractor	Building Inspection Division	During construction

<b>Table A: Mitigation Monitoring and Reporting Program</b>			
<b>Mitigation Measures</b>	<b>Party Responsible for Implementing Mitigation</b>	<b>Party Responsible for Monitoring</b>	<b>Timing</b>
<u>Mitigation Measure NOI-2</u> : To minimize long term noise impacts on future residents, a sound attenuation study shall be submitted for review and approval by the Planning Division. Said study shall provide measure to reduce the potential outdoor noise to a level acceptable for residential units (below 60db) as stipulated in the Noise Element of the General Plan. Measures may include sound attenuation walls, increased insulation and insulated windows.	Project Sponsor/ Construction Contractor	Community Development Department/ Building Division	Prior to issuance of building permits
<b>XI. Public Services</b>			
<u>Mitigation Measure PUB-1</u> : The project applicant/developer shall be subject to development impact fees for fire and police services established by the City of Lodi.	Project Sponsor/ Developer	Police Department/Fire Department	Prior to issuance of building permits
<u>Mitigation Measure PUB-2</u> : The project applicant/developer shall be subject to school impact fees established by Lodi Unified School District.	Project Sponsor/ Developer	Lodi Unified School District	Prior to issuance of building permits
<b>XII. Utilities and Service Systems</b>			
<i>No mitigation required.</i>			
<b>XIII. Aesthetics</b>			
<u>Mitigation Measure AES-1</u> : Plans submitted for building permits shall show architectural enhancements for street side elevations of units 41-63. Architectural enhancements shall be similar to that provided on the front elevations of said units including, but not limited to, decorative iron work, window banding, shutters, and varying roof-lines. Said plans shall be subject to the review and approval of the Community Development Director.	Project Sponsor/ Developer	Community Development Department	Prior to issuance of building permits
<u>Mitigation Measure AES-2</u> : Plans submitted for the masonry wall along Harney Lane (whether or not a sound wall is required) shall include decorative treatments such as cap stones and columns. Additionally, clinging vines (on 3-foot centers) and other landscaping shall be planted along the wall. Design of the wall shall be subject to the review and approval of the Community Development Director.	Project Sponsor/ Developer	Community Development Department	Prior to issuance of building permits
<u>Mitigation Measure AES-3</u> : Outdoor lighting associated with the proposed development shall be designed and located to minimize ambient light levels for any given application, consistent with public safety standards. Lighting shall be placed in areas of pedestrian activity and at residential entrances, and shall be minimized elsewhere. Ornamental, pedestrian scale lighting fixtures shall be utilized when possible. Lighting fixtures shall be shielded and directed downward to minimize glare on neighboring properties.	Project Sponsor/ Developer	Community Development Department	Prior to issuance of building permits

<b>Table A: Mitigation Monitoring and Reporting Program</b>			
<b>Mitigation Measures</b>	<b>Party Responsible for Implementing Mitigation</b>	<b>Party Responsible for Monitoring</b>	<b>Timing</b>
<b>XIV. Cultural Resources</b>			
<u>Mitigation Measure CULT-1</u> : If deposits of prehistoric or historical archaeological materials are encountered during project construction activities, all work within 50 feet of the discovery shall be stopped and a qualified archaeologist shall be contracted to evaluate the discoveries and make recommendations regarding their potential significance and extent throughout the site. If such deposits cannot be avoided, they shall be evaluated for their California and National Register eligibility. If the deposits are not eligible, additional mitigation is not necessary. If the deposits are eligible, they shall be avoided or adverse project effects shall be mitigated. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results of the research, and recommendations for additional mitigation. In accordance with the City's General Plan Urban Design and Cultural Resources Element, the City shall consult the California Archeological Inventory, Central California Information Center, at Stanislaus State University, for recommended mitigation measures.	Project Sponsor/ Archaeologist	Community Development Department	Prior to issuance of demolition permits
<b>XV. Agricultural Resources</b>			
<i>No mitigation required.</i>			

## PLANNING COMMISSION RESOLUTION 06-03

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING THAT THE CITY COUNCIL ALLOCATE THE REQUEST OF JEFFREY KIRST FOR 65 MEDIUM DENSITY RESIDENTIAL GROWTH MANAGEMENT UNITS (GM-05-003) PURSUANT TO CHAPTER 15.34 OF THE CITY OF LODI MUNICIPAL CODE**

WHEREAS, on May 27, 2005, Jeffrey Kirst, filed an application for a Residential Growth Management Review Application with the City of Lodi, for three parcels totaling 7.92 acres in size that are designated for medium density residential development in the Lodi General Plan on the north side of Harney Lane between Melby Lane and Panzani Way more particularly described as:

#### PARCEL ONE:

The West 8 acres of the South 20 acres, EXCEPT the West 170 feet of the South 201.6 feet thereof of the following described tract of land.

A portion of the southeast quarter of Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, commencing for the same at the southeast corner of said Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian; thence South 88 degrees West along the section line between Sections 13 and 24, a distance of 1650 feet; thence north, 1056 feet; thence North 88 degrees East 1650 feet to the east line of Section 13; thence south, 1056 feet to the point of beginning.

APN 062-290-14 and 062-290-37

#### PARCEL TWO:

The West 170.0 feet of the South 201.6 feet of the West 8 acres of the South 20 acres of the following described tract of land.

A portion of the Southeast Quarter of Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, commencing for the same at the southeast corner of said Section 13, Township 3 North, Range 6 East, Mount Diablo Base Meridian; thence South 88 degrees West along the Section line between Sections 13 and 24, a distance of 1650 feet; thence North 1056 feet; thence North 88 degrees East, 1650 feet to the east line of Section 13; thence South, 1056 feet to the point of beginning.

APN 062-290-38

WHEREAS, the Community Development Department did study and recommend approval of said request; and

WHEREAS, the Planning Commission did consider Initial Study/Mitigated Negative Declaration (ND-05-01) pursuant to CEQA; and

WHEREAS, the required public hearing on January 25, 2006 was duly advertised and held in a manner prescribed by law; and

WHEREAS, after due consideration of the project, the Planning Commission did recommend approval of the project to the City Council; and

Based upon the evidence within the staff report and project file the Planning Commission of the City of Lodi makes the following findings:

1. The applicant has submitted a Development Plan that complies with the requirements of the Section 15.34.070 of the Growth Management Plan for Residential Development Ordinance.
2. A Mitigated Negative Declaration (ND-05-01) for this project was recommended for approval by the City Council by Planning Commission Resolution No. 06-02.
3. The required public hearing by the Planning Commission was duly advertised and held in a manner prescribed by law.
4. The proposed design and improvement of the site is consistent with all applicable standards adopted by the City in that the project, as conditioned, will conform to adopted standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance as well as all other applicable standards.
5. The size, shape and topography of the site is physically suitable for the residential development proposed in that the site is generally flat and is not within an identified natural hazard area.
6. The site is suitable for the density proposed by the project in that the site can be served by all public utilities and creates design solutions for storm water, traffic and air quality issues.
7. The design of the proposed project and the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat. Environmental impacts identified through the Initial Study would not be significant because mitigation measures have been incorporated into the project to reduce any impacts to a level of less than significant.
8. The design of the proposed project and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the Uniform Building Code.
9. The design of the proposed project and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision in that as conditioned the project will provide dedication of adequate right-of-way for Harney Lane, and said improvements will be illustrated on the Tentative Map for the project.
10. The project is conditioned to construct improvements to Harney Lane thereby insuring that an adequate Level of Service is maintained on the roadways within the area.
11. The project site is not considered to be Farmland of Importance in that the site is classified as Urban Built Up Land under the California Department of Conservation Land Evaluation.
12. The project allows for the orderly development of Lodi in that the Land Use and Growth Management Element calls for the development of the site at a density of 7.1 to 20.0 dwelling units per acre and the allocation of units proposed sets a density of 8.2 dwelling units per acre.

13. The project complies with Chapter 15.34 of the City of Lodi Municipal Code in that the proposed development plan is within Priority Area 1.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED that the Planning Commission hereby recommends approval of the requested 65 medium density Residential Growth Allocations (GM-05-003) to the City Council.

NOW, THEREFORE, BE IT FURTHER FOUND, DETERMINED AND RESOLVED that the Planning Commission of the City of Lodi hereby recommends to the City Council for approval pursuant to the City Ordinances and no waiver of any requirement of said Ordinances are intended or implied except as specifically set forth in this Resolution.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Lodi, State of California, at a regularly scheduled meeting thereof, this 25<sup>th</sup> day of January, 2006 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
Secretary to the Planning Commission

# ATTACHMENT 8

## PLANNING COMMISSION RESOLUTION NO. P.C. 06-04

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING APPROVAL TO THE LODI CITY COUNCIL OF THE REQUEST OF JEFFREY KIRST, TOKAY DEVELOPMENT, FOR REZONING Z-05-04 TO CHANGE THE ZONING OF 349, 401 AND 415 EAST HARNEY LANE FROM R-MD, RESIDENTIAL MEDIUM DENSITY TO PD(38), PLANNED DEVELOPMENT NUMBER 38 AND APPROVAL OF THE ASSOCIATED DEVELOPMENT PLAN.**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Rezoning/Development Plan in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments; and

WHEREAS, the properties are located at 349, 401 and 415 East Harney Lane (APN: 062-290-38, 062-290-37 and 062-290-14); and are more particularly described as:

#### PARCEL ONE:

The West 8 acres of the South 20 acres, EXCEPT the West 170 feet of the South 201.6 feet thereof of the following described tract of land.

A portion of the southeast quarter of Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, commencing for the same at the southeast corner of said Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian; thence South 88 degrees West along the section line between Sections 13 and 24, a distance of 1650 feet; thence north, 1056 feet; thence North 88 degrees East 1650 feet to the east line of Section 13; thence south, 1056 feet to the point of beginning.

APN 062-290-14 and 062-290-37

#### PARCEL TWO:

The West 170.0 feet of the South 201.6 feet of the West 8 acres of the South 20 acres of the following described tract of land.

A portion of the Southeast Quarter of Section 13, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, commencing for the same at the southeast corner of said Section 13, Township 3 North, Range 6 East, Mount Diablo Base Meridian; thence South 88 degrees West along the Section line between Sections 13 and 24, a distance of 1650 feet; thence North 1056 feet; thence North 88 degrees East, 1650 feet to the east line of Section 13; thence South, 1056 feet to the point of beginning.

APN 062-290-38

WHEREAS, the property owners are Donald and Nancy Miller whom have provided consent to the project proponent and applicant for this zone change/development plan request; and

WHEREAS, the project proponent and applicant is Jeffrey Kirst of Tokay Development, P.O. Box 1259, Lodi, CA, 95258; and

WHEREAS, the Planning Commission did consider the Mitigated Negative Declaration (ND-05-01) and the Mitigation Monitoring and Reporting Program pursuant to CEQA; and

WHEREAS, the property has a general plan designation of MDR (Medium Density Residential) with a density range of 7.1-20 dwelling units per acre; and

WHEREAS, the property is currently zoned R-MD, Residential Medium Density; and

WHEREAS, the request is to change the zoning of the property to PD (38), Planned Development number 38; and

WHEREAS, the development plan required by Lodi Municipal Code Chapter 17.33 P-D Planned Development District, shall be the Revised 2005 Development Plan prepared by Baumbach and Piazza dated May, 2005, kept on file in the Community Development Department and said development plan has a density of 8.3 dwelling units per acre; and

WHEREAS, all legal prerequisites to the approval of this request have occurred.

Based upon the evidence within the staff report and project file the Planning Commission of the City of Lodi makes the following findings:

1. A Mitigated Negative Declaration (ND-05-01) for this project was recommended for approval by the City Council by Planning Commission Resolution No. 06-02.
2. The required public hearing by the Planning Commission was duly advertised and held in a manner prescribed by law.
3. It is found that the requested Rezoning does not conflict with adopted plans or policies of the General Plan and will serve sound Planning practice.
4. It is further found that the parcels of the proposed rezoning are physically suitable for the development of the proposed project.
5. The proposed design and improvement of the site is consistent with all applicable standards adopted by the City in that the project, as conditioned, will conform to adopted standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance as well as all other applicable standards.
6. The size, shape and topography of the site is physically suitable for the residential development proposed in that the site is generally flat and is not within an identified natural hazard area.
7. The site is suitable for the density proposed by the project in that the site can be served by all public utilities and creates design solutions for storm water, traffic and air quality issues.
8. The design of the proposed project and the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat. Environmental impacts identified though the Initial Study would not be significant because mitigation measures have been incorporated into the project to reduce any impacts to a level of less than significant.
9. The design of the proposed project and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the Uniform Building Code.
10. The design of the proposed project and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision in that as conditioned the project will provide dedication of adequate right-of-way for Harney Lane, and said improvements will be illustrated on the Tentative Map for the project.
11. The project is conditioned to construct improvements to Harney Lane thereby insuring that an adequate Level of Service is maintained on the roadways within the area.
12. The project site is not considered to be Farmland of Importance in that the site is classified as Urban Built Up Land under the California Department of Conservation Land Evaluation.
13. The project allows for the orderly development of Lodi in that the Land Use and Growth Management Element calls for the development of the site at a density of



7.1 to 20.0 dwelling units per acre and the development plan sets a density of 8.2 dwelling units per acre.

14. The project complies with Chapter 15.34 of the City of Lodi Municipal Code in that the proposed development plan is within Priority Area 1.
15. Development of the proposed project shall be consistent with the development plan dated May 2005, submitted by Baumbach and Piazza.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED, that the Planning commission of the City of Lodi hereby recommends approval of the Re-zone to PD(38) and associated Development Plan (file Z-05-04) to the City Council of the City of Lodi subject to the following conditions of approval:

1. All mitigation measures for the project identified in the Mitigation Monitoring and Reporting Program of the Initial Study/Mitigated Negative Declaration (ND-05-01) are hereby incorporated into this recommendation of approval:

Mitigation Measure GEO-1: Prior to the issuance of a grading permit, a Geotechnical Investigation shall be prepared for the project site. The project applicant shall incorporate any grading and site preparations as recommended in the Preliminary Geotechnical Investigation.

Mitigation Measure HYD-1: As a condition of approval of the final grading and drainage plans for the project, the Public Works department shall verify that the Master Utility Plan for the site will comply with the City's storm water requirements.

Mitigation Measure HYD-2: Prior to the approval of the final grading and drainage plans, the project engineer shall provide a hydraulic analysis to the Public Works Department for verification that implementation of the proposed drainage plans would comply with the City's storm water requirements.

Mitigation Measure HYD-3: The project shall include landscape areas, as shown titled "Revised 2005 Development Plan" prepared by Baumbach & Piazza, Inc., dated May, 2005, to allow for groundwater recharge.

Mitigation Measure HYD-4: As a part of the compliance with National Pollutant Discharge Elimination System (NPDES) requirements, a Notice of Intent (NOI) and associated fees would need to be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) providing notification and intent to comply with the General Permit to Discharge Storm Water Associated with Construction Activity for this project (copies of the NOI and fee payment shall be provided to the City). Prior to construction and site grading, a Storm Water Pollution Prevention Plan (SWPPP) is required for construction activities and remediation on-site. The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the implementation and operation of the propose project. The project proponent shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of the project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs

shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

Mitigation Measure AIR-1: The following construction equipment mitigation measures are to be implemented at construction sites to reduce construction exhaust emissions:

1. Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment;
2. Properly and routinely maintain all construction equipment, as recommended by the manufacturer manuals, to control exhaust emissions.
3. Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling emissions;
4. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use to 7:00am to 7:00pm; and
5. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways.

Mitigation Measure AIR-2: Consistent with Regulation VIII, Fugitive PM<sub>10</sub> Prohibitions of the SJVAPCD, the following controls are required to be implemented at all construction sites and as specifications for the project.

1. All disturbed areas, including storage piles, which are not being used on a daily basis for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
4. During the demolition of existing buildings, all exterior surfaces of the building shall be wetted during demolition.
5. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained.
6. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
7. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.

8. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
9. Site with 150 or more vehicle trips per day shall prevent carryout and trackout. Prevention measures include requiring all trucks to drive over a bed of gravel to rid the tires of dirt and mud prior to exiting the site.

Mitigation Measure TRAF-1: To mitigate its share of traffic impacts on City streets, the project applicant/developer shall be subject to traffic impact fees assessed by the City of Lodi.

Mitigation Measure TRAF-2: To mitigate its share of impacts on SR-99, the project applicant/developer shall be subject to fees on a "Fair Share" basis as stipulated in the soon-to-be-adopted regional traffic impact fees established by the San Joaquin County Council of Governments.

Mitigation Measure BIO-1: Consistent with the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), a SJMSCP biological survey must be completed and the appropriate fees shall be paid prior to receiving building permits.

Mitigation Measure HAZ-1: To ensure that the project does not interfere with emergency evacuation plans, grading and building plans shall be subject to review and approval by the Fire Department.

Mitigation Measure NOI-1: To minimize temporary construction noise impacts on surrounding residences, construction hours shall be limited to 7:00 a.m. to 7:00 p.m., seven days a week.

Mitigation Measure NOI-2: To minimize long term noise impacts on future residents, a sound attenuation study shall be submitted for review and approval by the Planning Division. Said study shall provide measure to reduce the potential outdoor noise to a level acceptable for residential units (below 60db) as stipulated in the Noise Element of the General Plan. Measures may include sound attenuation walls, increased insulation and insulated windows.

Mitigation Measure PUB-1: The project applicant/developer shall be subject to development impact fees for fire and police services established by the City of Lodi.

Mitigation Measure PUB-2: The project applicant/developer shall be subject to school impact fees established by Lodi Unified School District.

Mitigation Measure AES-1: Plans submitted for building permits shall show architectural enhancements for street side elevations of units 41-63. Architectural enhancements shall be similar to that provided on the front elevations of said units including, but not limited to, decorative iron work, window banding, shutters, and varying roof-lines. Said plans shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-2: Plans submitted for the masonry wall along Harney Lane (whether or not a sound wall is required) shall include decorative treatments such as cap stones and columns. Additionally, clinging vines (on 3-foot centers) and other landscaping shall be planted against to wall. Design of the wall shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-3: Outdoor lighting associated with the proposed development shall be designed and located to minimize ambient light levels for any given application, consistent with public safety standards. Lighting shall be placed in areas of pedestrian activity and at residential entrances, and shall be minimized elsewhere. Ornamental, pedestrian scale lighting fixtures shall be utilized when possible. Lighting fixtures shall be shielded and directed downward to minimize glare on neighboring properties.

Mitigation Measure CULT-1: If deposits of prehistoric or historical archaeological materials are encountered during project construction activities, all work within 50 feet of the discovery shall be stopped and a qualified archaeologist shall be contracted to evaluate the discoveries and make recommendations regarding their potential significance and extent throughout the site. If such deposits cannot be avoided, they shall be evaluated for their California and National Register eligibility. If the deposits are not eligible, additional mitigation is not necessary. If the deposits are eligible, they shall be avoided or adverse project effects shall be mitigated. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results of the research, and recommendations for additional mitigation. In accordance with the City's General Plan Urban Design and Cultural Resources Element, the City shall consult the California Archeological Inventory, Central California Information Center, at Stanislaus State University, for recommended mitigation measures.

2. Prior to the development of the Miller Ranch Development project, the applicant/developer shall file for a tentative subdivision map. Review and approval of the tentative subdivision map is a discretionary action and additional conditions of approval may be placed on the project at that time.
3. All applicable state statutes, and local ordinances, including all applicable Building and Fire Code requirements for hazardous materials shall apply to the project.
4. Prior to submittal of building permits, the applicant shall submit construction elevations, perspective elevations, precise landscape and irrigation plans, as well as building materials for the review and approval of the Community Development Director. Said plans shall indicate that all corner lots shall have architectural treatments on both street facing elevations.
5. Prior to submittal of building permits, the applicant shall submit a walls and fencing plan. Said plan shall show all proposed walls and fencing. Fencing visible to the public right of way shall be constructed of treated wood or alternative material to prevent premature deterioration. Furthermore, all fencing within the project site shall be designed with steel posts, or a functional equivalent, to prevent premature deterioration and collapse.
6. The proposed public lanes shall incorporate stamped concrete, pavers or an equivalent subject to approval by the Public Works Department and Community Development Department.
7. The proposed project shall be subject to the San Joaquin County Air Pollution Control District Rules.
8. The proposed project should incorporate as many energy conserving and emission reducing features as possible, as outlined in correspondence from San Joaquin County Air Pollution Control District, dated January 13, 2006 and kept on file in the Community Development Department.

9. Prior to submittal of any further plan check or within 90 days of the approval of this project, whichever occurs first, the applicant shall sign a notarized affidavit stating that "I(we), \_\_\_\_, the owner(s) or the owner's representative have read, understand, and agree to the conditions approving GM 05-003." Immediately following this statement will appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the City Community Development Director and City Engineer shall also appear on this page. The affidavit shall be approved by the City prior to any improvement plan or final map submittal.
16. As shown on the development plan, submitted by Baumbach and Piazza and dated May 2005, and as further described in correspondence from the project applicant, the proposed development shall be subject to the development criteria described in the following table:

<b>Standard</b>	<b>Proposed Project</b>
Minimum lot size	2,625 sq.ft.
Minimum lot width	50 feet
Building Height	2 stories not to exceed 35 feet
Front Setback	7 feet and 6 inches to 12 feet
Side Setback	4 feet
Street side setback	4 feet
Rear Setback	8 feet
Parking Spaces	2 covered spaces per unit
Lot Coverage	50%

I hereby certify that Resolution No. 06-04 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on January 25, 2006, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

**ATTEST:** \_\_\_\_\_  
**Secretary, Planning Commission**

# PARTIAL MINUTES

**DRAFT**

**LODI PLANNING COMMISSION  
REGULAR COMMISSION MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JANUARY 25, 2006**

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of January 25, 2006, was called to order by Chair Heinitz at 7:03 p.m.

Present: Planning Commissioners – Cummins, Haugan, Kuehne, Moran, and  
Chair Heinitz

Absent: Planning Commissioners – White

Also Present: Community Development Director Randy Hatch, Planner Manager Peter Pirnejad, Associate Planner Mark Meissner, Deputy City Attorney Janice Magdich, and Administrative Secretary Kari Chadwick

2. MINUTES

a) None

3. PUBLIC HEARINGS

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider Request for the Planning Commission to consider recommendations of approval to the City Council for a Mitigated Negative Declaration, Growth Management Allocations for 65 medium density units, and a zone change from R-MD, Residential Medium Density to PD(38), Planned Development to construct 65 single-family residential homes at 349, 401, and 415 East Harney Lane. (Jeffrey Kirst on behalf of Tokay Development, Applicant)(File #'s ND-05-01, GM-05-003, Z-05-04)  
CEQA Status: Mitigated Negative Declaration ND-05-01  
Resolution #: P.C. 06-02, P.C. 06-03, & P.C. 06-04

Vice Chair Kuehne recused himself.

Charity Wagner, LSA Associates, the project is located at 349, 401 and 415 East Harney Lane. The current area has 2 single family homes and some accessory buildings associated with those homes, a commercial flower garden, and a cherry tree farm. The Miller Ranch Project will consist of 65 single family homes and demolish the existing structures. The project is three fold with a Mitigated Negative Declaration, Growth Management Allocations, and a Zone change request. The initial study prepared by staff found that there would not be any significant environmental impact from the project with proposed mitigations. The MND was prepared and noticed according to the rules set by CEQA. The San Joaquin Valley Air Control District had some additional conditions that staff incorporated into the conditions of approval to the project. The Growth Management Allocations involves 65 medium density units and is designed to fit in with the Villa's Development that is currently under construction adjacent to this project. The third part of the proposal is the Zone change request from a multi-family residential zone to a planned development zone. Planned development zones allow variations of zoning code standards in order to get the most efficient and high quality architectural plan for a development. Staff

## PARTIAL MINUTES

recommends that the Commission recommend to Council to adopt the MND, to approve the Growth Management Allocations as proposed and to approve the zone change with the associated conditioned development plan.

In response to Chair Heinitz, Randy Hatch stated that each item needed a separate motion and vote.

In response to Chair Heinitz, Ms. Wagner stated that the main access will be off of Panzani Way or Melby Drive which both intersect with Harney Lane.

In response to Commissioner Moran, Ms Wagner agreed that the noise time frame for construction listed in the initial study checklist was reversed. She also stated that the block wall height will be determined by the Public Works Department.

### Hearing Opened to the Public

- Jeffrey Kirst, Tokay Development Co., applicant on behalf of the current owners, the Miller Family, stated that the Miller Family has been farming this property for many decades and are now ready to relocate further to the west of Lodi. All parties involved in the project are in agreement with the conditions set forth by city staff.

In response to Chair Heinitz, Mr. Kirst stated that the style of home is a single-family home on a small lot. The price range has not been determined as of yet, but because of the land density the prices should be in the entry level category.

### Public Portion of Hearing Closed

### MOTION / VOTE:

The Planning Commission, on motion of Commissioner Cummins, Moran second, recommend to Council to adopt the Mitigated Negative Declaration (MND-05-01) and the associated mitigation monitoring and reporting program attached. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Moran, and Chair Heinitz

Noes: Commissioners – None

Abstain: Commissioners – Vice Chair Kuehne

### MOTION / VOTE:

The Planning Commission, on motion of Commissioner Moran, Heinitz second, recommend to Lodi City Council of the request of Jeffrey Kirst, Tokay Development, for rezoning (Z-05-04) to change the zoning of 349, 401 and 415 East Harney Lane from R-MD, residential medium density to PD(38), Planned Development number 38 and approval of the associated conditioned development plan. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Moran, and Chair Heinitz

Noes: Commissioners – None

Abstain: Commissioners – Vise Chair Kuehne

## PARTIAL MINUTES

### MOTION / VOTE:

The Planning Commission, on motion of Commissioner Haugan, Cummins second, recommend to the Lodi City Council to approve the allocation request of Jeffrey Kirst for 65 medium density residential growth management units (GM-05-003) pursuant to chapter 15.34 of the City of Lodi municipal code subject to the conditions in the attached resolution. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Moran, and Chair Heinitz

Noes: Commissioners – None

Abstain: Commissioners – Vice Chair Kuehne

Vice Chair Kuehne has rejoined the Commission.



RESOLUTION NO. 2006-29

A RESOLUTION OF THE LODI CITY COUNCIL ADOPTING  
THE MITIGATED NEGATIVE DECLARATION AS ADEQUATE  
ENVIRONMENTAL DOCUMENTATION FOR THE MILLER  
RANCH DEVELOPMENT PROJECT

---

WHEREAS, an Initial Study/Mitigated Negative Declaration (File No. ND-05-01) was prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided hereunder. The Community Development Department has determined that all environmental impacts that result from this project can be mitigated to a less than significant level; and

WHEREAS, all the required referrals, notice, and posting have been performed for the required time per the Act and Guidelines referred to above; and

WHEREAS, a Mitigation Monitoring and Reporting Program was prepared in accordance with CEQA and will be adopted as part of the Mitigated Negative Declaration package to assure that all potentially significant impacts will be mitigated; and

WHEREAS, all mitigations necessary to reduce any impact from the project to a less than significant level have been agreed to by the project proponent and incorporated into the proposal; and

WHEREAS, staff recommends that the City Council approve the filing of a Mitigated Negative Declaration by the Community Development Director as adequate environmental documentation for the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council has reviewed all documentation and hereby adopts the Mitigated Negative Declaration as adequate environmental documentation for the Miller Ranch Development Project.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council hereby adopts the Mitigated Monitoring and Reporting Program included as Exhibit A.

Dated: February 15, 2006

---

I hereby certify that Resolution No. 2006-29 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 15, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Johnson, Mounce, and  
Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

  
SUSAN J. BLACKSTON  
City Clerk

Miller Ranch Development Project

*DRAFT*

MITIGATED NEGATIVE DECLARATION NO. 05-01

Growth Management Allocations and Planned  
Development Zone Change  
(GM-05-003 and 2-05-02)  
(New Zone file # **2-05-04**)

APPLICANT: Jeffrey Kirst, Tokay Development

PREPARED FOR  
City of **Lodi**  
Community Development Department  
**P.O. BOX 3006**  
**LODI, CA 95241**

PREPARED BY:  
LSA Associates, Inc  
2215 Fifth Street  
Berkeley, CA **94710**  
**(510)540-7331**  
[www.lsa-assoc.com](http://www.lsa-assoc.com)

December 2005

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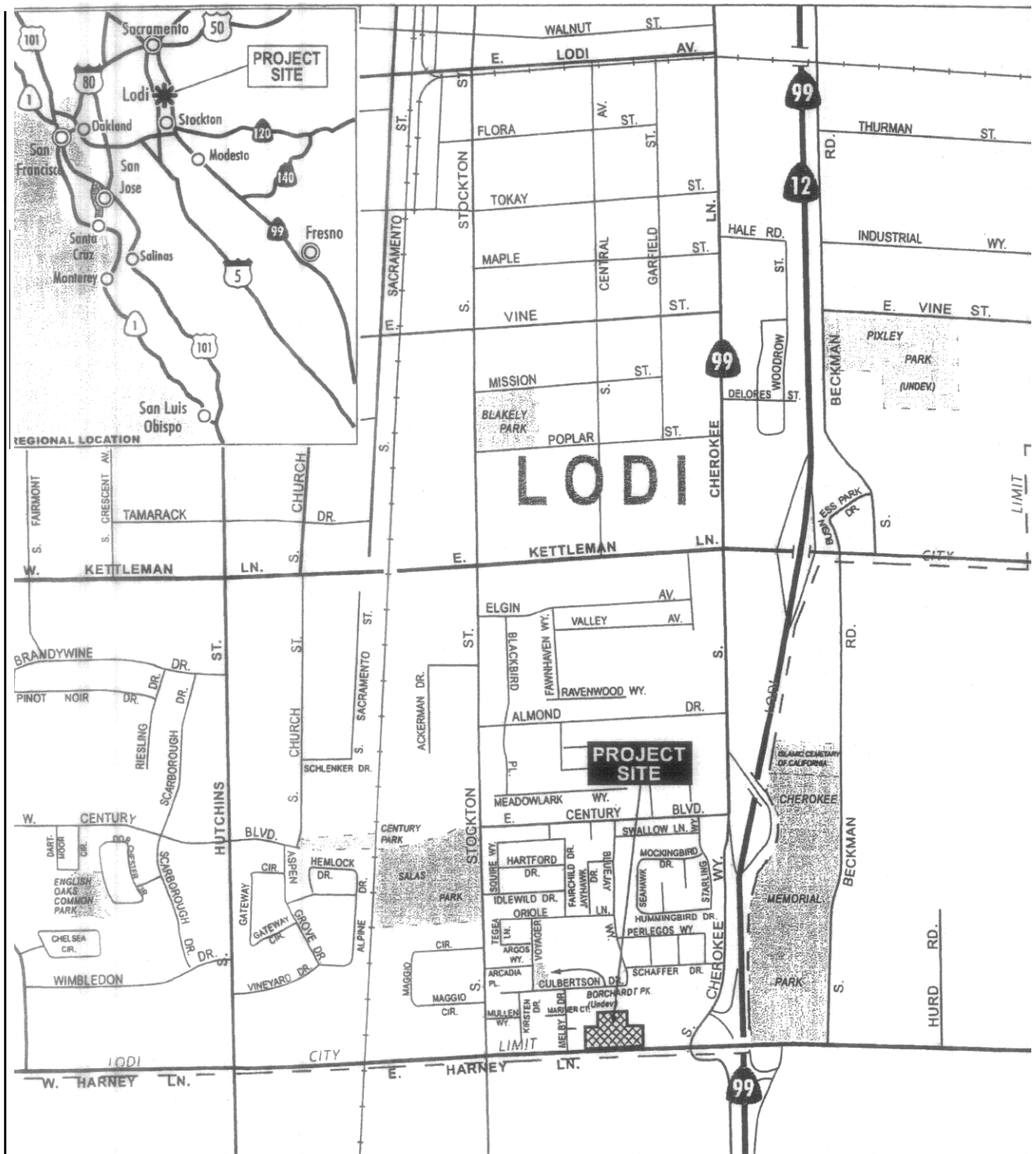
Environmental Checklist Form  
Prepared Pursuant **to** the California Environmental Quality Act (CEQA)

**A. PROJECT DESCRIPTION**

1. Project title: Miller Ranch Development Project
2. Lead agency name and address:  
City of Lodi, Community Development Department  
Box **3006**, Lodi, CA **95241**
3. Contact person and phone number:  
Randy Hatch  
Community Development Director  
(209) 333-6711
4. Project location:  
**349,401 and 415** East Harney Lane  
City of Lodi, San Joaquin County
5. Project sponsor's name and address:  
Jeffrey Kirst, Tokay Development  
PO **Box 1259**  
Lodi, CA **95258**
6. General Plan Land Use designation: **MDR**, Medium Density Residential.
7. Zoning designation: R-MD, Residential Medium Density.
8. Other public agencies whose approval is required: None.
9. Description of project: The following provides a description of the Miller Ranch Development Project.

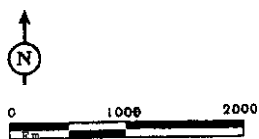
**Existing Conditions**

The project area is comprised of three parcels on the north side of Harney Lane, west of Panzani Way and east of Melby Lane. The project sites are located in the City of Lodi and are identified as **349** Harney Lane (APN **062-290-38**), **401** East Harney Lane (APN **062-290-37**) and **415** East Harney Lane (APN **062-290-14**). A project vicinity map is provided as Figure 1 and photos of the project site are provided in Figure 2.

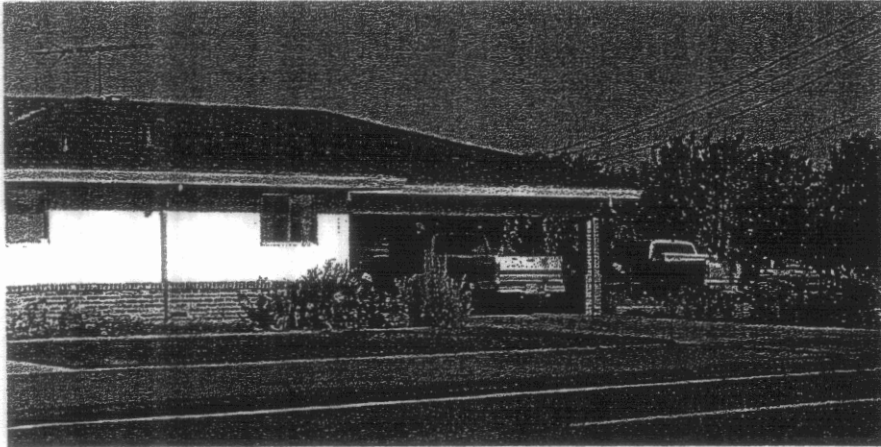


LSA

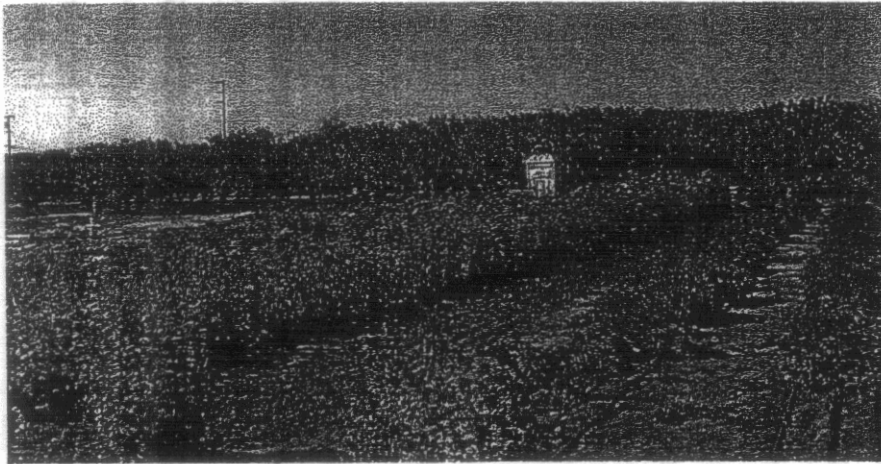
FIGURE 1



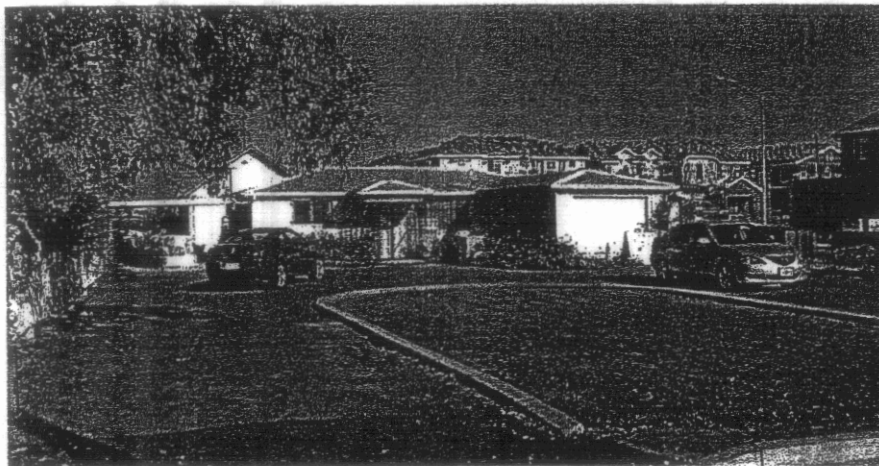
Miller Ranch Development Plan  
Project Location  
and Regional Vicinity



Single-family home at 349 East Harney Lane



Agricultural land at 401 East Harney Lane



face of the EHS in the area

LSA

FIGURE 2

*Miller Ranch Development Plan*  
**Photos of the Project Site**

SOURCE: LSA ASSOCIATES, INC., 2005.

I:\LOD530 miller ranch\figures\Fig\_2.ai (11-17-05)

***349 East Harney Lane***

This parcel is approximately **0.68** acres and is developed with a single-family residence and a detached workshop/storage building. The home is single-story and faces Harney Lane. The home is currently inhabited by the property owners that ~~farm~~ the property at 401 East Harney Lane (also part of this project). The detached workshop/storage building is located behind the home and is not entirely visible to Harney Lane. The workshop is used for the farming operations including storage of farming equipment.

Vehicular access to the site is provided by two driveways off of Harney Lane: one driveway leads to the garage and the other leads to the rear of the home and workshop. There is **no** sidewalk on Harney Lane. The home is setback approximately **25** feet from Harney Lane and the entire front yard is landscaped with the exception of a driveway and walkway. There is a septic tank on site to service the residence and there are mature trees and shrubs along the north and east property lines.

***401 East Harney Lane***

This parcel is approximately **6.57** acres and there are no permanent structures on-site. The site is used for commercial agriculture, growing cherries and flowers. The cherry trees are located in rows along the western side of the property, while the flowers occupy the central and eastern portions of the site. There are also miscellaneous temporary structures on-site, including a portable ~~restroom~~, and storage of miscellaneous farming materials, including wood pallets, in the northeast and northwest portions of the site.

Access to the site is provided by a dirt access road off of Harney Lane and there are **no** designated parking spaces on site.

***415 East Harney Lane***

This parcel is approximately **0.67** acres and is developed with a single-family home and a workshop (the home is currently utilized **as** a construction ~~office~~ for the residential development occurring immediately east of the project site). Both structures are located along the east property line. The home is single-story and is setback approximately 30 feet from Harney Lane. The workshop is located behind the home and is utilized **as** storage area. Access to the site is provided by two driveways on Harney Lane.

**Proposed Project**

The proposed project includes the demolition of all existing structures on the project site and the construction of **65** single-family units. **A** conceptual site plan of the proposed project is shown in Figure 3. The General Plan designates the project site for Medium Density Residential land **uses** (MDR) at a density of **7.1** to 20 dwelling units per gross acre. At 8.2 dwelling units per gross acres, the proposed project would **be** consistent with the General Plan.

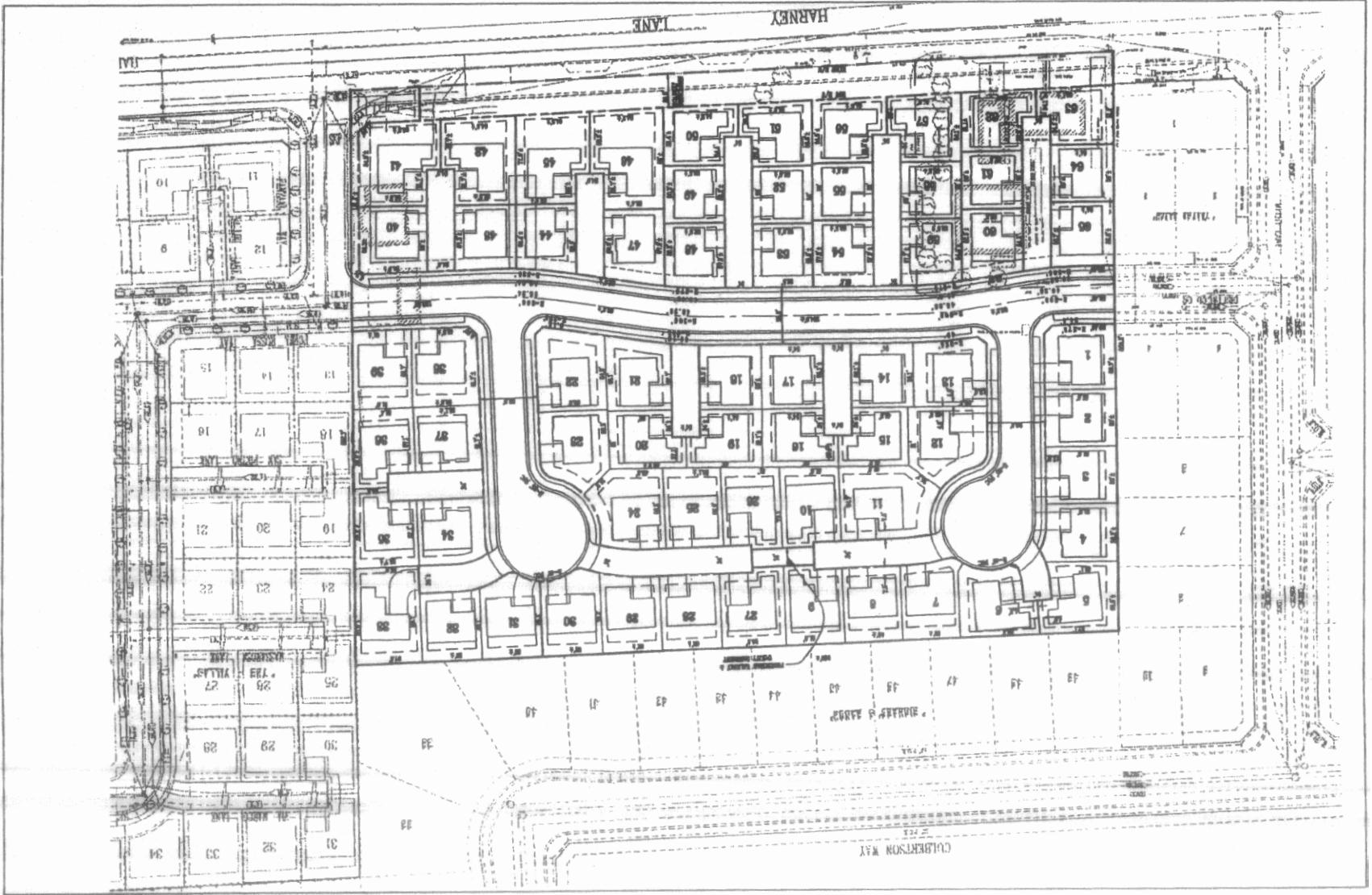
To implement the proposed project, the project applicant has submitted applications for a Zone Change (from Residential, Multiple-Family to a Planned Development Zone) and Growth Management Allocations. The project applicant proposes the construction of **65** single-family detached homes on the project site. The units would **be** built and sold **as** individual homes **on** separate lots.

LSA



Miller Ranch Development Plan  
Conceptual Site Plan

FIGURE 3





This project does not include any affordable housing units. All of units would be sold at market-rate value.

The applicant has indicated that product types would match the planned development project currently under construction to the east of the project site, *The Villas*. The Villas include three floor plans varying in size from 1,700 square feet to 1,800 square feet. All units are two-story structures, include a two-car garage, have 3 to 4 bedrooms, and 2% bathrooms.

Access to the site would be provided by an existing intersection at Panzani Way and Hamey Lane and the extension of Driftwood Drive (a residential street to the west). Internal circulation would be provided by one main east/west roadway in the project that would connect with two existing roads, ~~Ponta~~ Rosa to the east and Driftwood Drive to the west. There are also two cul-de-sac streets that would provide north/south access within the site. Most of units would be accessed from 24-foot public lanes.

The project includes a 20-foot dedication for right-of-way improvements on Hamey Lane. Improvements include expansion of road way and a bicycle and pedestrian path.

All of the homes would include a two-car garage. Guest parking would be provided in individual driveways, on the main roadway and two cul-de-sacs. No parking would be allowed in the 24-foot wide public lanes. Approximately 35 on-street parking spaces would be provided.

The proposed project would include private yard for each of the units and a minimum landscaped setback of 12 feet in the front yard (front yard setback is reduced to 7.5 feet for homes on public lanes). Rear yards proposed with this project range from 560 to 2,240 square feet. There is no common landscape or play area proposed.

### Surrounding Land Uses and Setting

Single-family residential units are located immediately north, east and west of the project site (homes to the east are currently under construction). One single-family home and agriculture lands are located to the south, across Hamey Lane. Property to the north and west is zoned R-2 (Residential, Single-Family) and the property to the east is zoned PD (Planned Development). The property south of Hamey Lane is located in the County. San Joaquin County designates these parcels as AG-40 (General Agriculture, 40 acre minimum lot size). A project vicinity map is provided in Figure 1.

**B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that *is* a "Potentially Significant Impact" as indicated by the checklist on the following pages

<input checked="" type="checkbox"/> Land Use and Planning	<input checked="" type="checkbox"/> Transportation/Circulation	<input checked="" type="checkbox"/> Utilities and Service Systems
<input checked="" type="checkbox"/> Population and Housing	<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Aesthetics
<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Mineral Resources	<input checked="" type="checkbox"/> Cultural Resources
<input checked="" type="checkbox"/> Hydrology and Water Quality	<input checked="" type="checkbox"/> Hazards	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Mandatory Findings of Significance
<input checked="" type="checkbox"/> Agricultural Resources	<input checked="" type="checkbox"/> Public Services	

7

C. LEAD AGENCY DETERMINATION

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions ion the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: \_\_\_\_\_

*Randy Hatch*

Date: \_\_\_\_\_

*12/23/05*

Printed Name: Randy Hatch, Community Development Director

For: City of Lodi

**D. ENVIRONMENTAL IMPACT CHECKLIST**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	<b>Less</b> than Significant Impact	No Impact
<b>I. LAND USE AND PLANNING. <i>Would the project:</i></b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy or regulation of any agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat or conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>II. POPULATION AND HOUSING. <i>Would the project:</i></b>				
a) Cumulatively exceed official regional or local population projections?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>III. GEOLOGY AND SOILS. <i>Would the project:</i></b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent <b>Alquist-Priolo</b> Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of top soil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risk to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternate waste water disposal systems where sewers are not available for the disposal of waste water.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	NO Impact
<b>IV. HYDROLOGY AND WATER QUALITY. <i>Would the project:</i></b>				
a) Violate any water standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere <b>substantially</b> with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level ( <b>e.g.</b> , the production rate of <b>pre-existing</b> nearby wells would drop to a level which would not support existing land <b>uses</b> or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern <b>of</b> the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on or off site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or <b>off-site</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute to run-off water which would exceed the capacity of existing or planned Stormwater drainage systems or provide substantial additional sources of polluted <b>runoff</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<b>81</b>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<b>81</b>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazards Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to <b>a significant</b> risk of loss, injury or death involving flooding, including flooding as a result <b>of</b> the failure of a levee or a dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>0</b>
j) Inundation by seiche, tsunami, or <b>mudflow</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>V. AIR QUALITY. <i>Would the project:</i></b>				
a) Conflict with or obstruct <b>implementation</b> of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in cumulatively considerable net increase of any criteria pollutant for which the project region is <b>non-attainment</b> under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<b>81</b>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>VI. TRANSPORTATION/CIRCULATION. Would the project:</b>				
a) Cause an increase in traffic which is substantial in relation to the existing <b>traffic</b> load and capacity of the street system (i.e., result in substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or <b>cumulatively</b> , a level of service standard established by the county congestion management agency or designated roads or highways?	<input type="checkbox"/>	La	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air <b>traffic</b> patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	La	<input type="checkbox"/>
e) Result in inadequate emergency <b>access</b> ?	<input type="checkbox"/>	<input type="checkbox"/>	La	<input type="checkbox"/>
f) <b>Result</b> in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	La	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	E	<input type="checkbox"/>
<b>VII. BIOLOGICAL RESOURCES. Would the project:</b>				
a) Have a substantial adverse <b>effect</b> , either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special species status in local or regional plans, policies or regulations, or by the California Department of Fish and Game of U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identifies in local or regional plans, policies regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	La	<input type="checkbox"/>
c) <b>Have</b> a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	La
d) Interfere substantially with the movement of <b>any</b> native resident or migratory <b>fish</b> or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	La
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	La
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat <b>conservation</b> plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	E

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<b>VIII. MINERAL RESOURCES. <i>Would the project:</i></b>				
a) Result in the <b>loss</b> of availability of a known mineral resource that would be of value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	fa
b) <b>Result</b> in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other <b>land use</b> plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	El
<b>IX. HAZARDS. <i>Would the project:</i></b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	fa	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	El	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or <b>proposed</b> school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b>Be</b> located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, <b>would</b> it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	fa
e) For a project located within an airport land use plan or where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	fa
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	81
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	fa	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or <b>structures</b> to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>X. NOISE. <i>Would the project result in:</i></b>				
a) <b>Exposure</b> of persons to or <b>generation</b> of noise levels in <b>excess</b> of standard established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	81	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	fa	<input type="checkbox"/>
d) A substantial temporary or periodic <b>increase</b> in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	fa	<input type="checkbox"/>	<input type="checkbox"/>

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e) For a project located within an airport land use plan or, where such plan has not been adopted, within <b>two</b> miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XI. PUBLIC SERVICES.**

- a) Would the **project** result in substantial adverse physical **impacts** associated with the provision of new or physically altered governmental facilities, need for new or physically altered facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, **response** times or other performance objectives for any of the public services:

i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XII. UTILITIES AND SERVICE SYSTEMS. *Would the project:***

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or <b>result</b> in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or <b>expansion</b> of existing facilities, the Construction of which <b>would cause</b> significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have <b>sufficient</b> water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate <b>capacity</b> to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>a</b>
f) Be served by a landfill with <b>sufficient</b> permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, State and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XIII. AESTHETICS. *Would the project:***

a) Have a Substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
b) Substantially damage a scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or qualify of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XIV. CULTURAL RESOURCES. *Would the proposal:***

a) Create a substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.57	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XV. RECREATION. *Would the project:***

a) increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**XVI. AGRICULTURAL RESOURCES. *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:***

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	81
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have <b>the</b> potential to <b>degrade</b> the quality <b>of the</b> environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant <b>or</b> animal or eliminate important examples of the major periods of California history or pre-history?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have <b>impacts</b> that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the <b>effects of</b> other current projects, and the effects of probable future projects).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have <b>environmental effects</b> , which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## E. EVALUATION OF ENVIRONMENTAL EFFECTS

An evaluation of each environmental impact topic is provided below.

### I. LAND USE AND PLANNING

#### Summary of Land Use and Planning Impacts and Mitigation Measures

The Lodi General Plan includes goals and policies for development and urbanization within the City limits and the City's Sphere of Influence. The Sphere of Influence (also referred to as the planning area) includes unincorporated areas adjacent to the City, to which the City intends to expand and urbanize. The General Plan designates properties within the SOI for future land uses, once incorporated in the City.<sup>1</sup>

The General Plan establishes a land use pattern for development of the City and the City's Sphere of Influence. Though a portion of the project site is currently agricultural land (cherry orchard and flower gardens) the General Plan indicates that the project site and surrounding area (including property south of the Harney Lane, which is within the Sphere of Influence) are planned for urbanization and development. More specifically, the General Plan land use element designates the subject site and surrounding areas for residential development.

The General Plan Land Use Map designates the project area as MDR (Medium Density Residential Land Uses, 7.1-20 dwelling units per gross acre). Properties to the north, east and west are also designated for Medium Density land uses, and have been developed as such. The Medium Density Residential land use designation is intended for development of single-family and multiple-family units. Product types within the MDR designation include both attached and detached units.

Properties to the south, across Harney Lane, are located in the County; however these properties are within the City's Sphere of Influence (SOI). The General Plan designates the properties across Harney Lane as PR (Planned Residential, seven dwelling units per gross acre).

#### a) Would the project physically divide an established community?

The physical division of an established community typically refers to the construction of a physical feature that would impair mobility within an existing community, or between a community and outlying areas. The proposed project would include residential uses that would be surrounded by other existing residential uses. The proposed project would not physically divide an established community.

#### b) Would the proposal conflict with any applicable land use plan, policy or regulation of any agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding environmental effects?

The purpose of this Initial Study is to evaluate the proposed project in compliance with CEQA and the City's applicable environmental plans and policies. The City evaluates development projects against plans and policies of the City's General Plan, Municipal Code and San Joaquin County's Multi-Species Habitat Conservation and Open Space Plan.<sup>2</sup>

<sup>1</sup> Lodi, City of. 1991. General Plan. June

<sup>2</sup> San Joaquin County, 2001. San Joaquin's Multi-Species and Habitat Conservation and Open Space Plan.

The proposed project would develop a total 65 single-family detached dwelling units at an overall density of **8.2** dwelling units per gross acre (65 units/7.92 acres). The current General land use designation of **Medium Density Residential** permits development of attached or detached units between 7.1-20.0 dwelling units per gross acre. The proposed project complies with the product type and density range established by the General Plan.

The current zoning is RMD (Residential, Medium Density), but this project includes a **zone** change to PD (Planned Development). The intent of the PD zones is to allow for flexibility of traditional zoning code standards in effort to achieve a high quality, livable project without compromising the functionality or safety of the development. The proposed PD zone would **modify** the development standards of the Zoning Code to be consistent with an existing PD zone immediately east of the project site (PD 36, **The Villas**). Once amended, the proposed project would comply with the City's PD zone requirements.

The project is subject to the City's Right-to-Farm Ordinance because its proximity to agricultural lands.

c) Would ***the project conflict with any applicable habitat or conservation plan?***

The San Joaquin Council of Governments established the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan in **2000.**<sup>3</sup> The purpose of the plan is to provide a strategy for balancing development while preventing pre-mature development of agricultural lands and protecting endangered species in San Joaquin County. City of Lodi Municipal Code (Section 15.68 San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) Development Fees) was adopted in 2001, in order to implement the goals and objectives of the San Joaquin County Multi-Species Habitat Conservation and **Open** Space Plan (SJMSCP), and to mitigate the cumulative impacts of new development on undeveloped lands within the city of Lodi and in San Joaquin County. The City has established a fee ordinance for purposes of collecting fees to finance the SJMSCP. Development of the project site is subject to the payment of fees in accordance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

### Mitigation Measures

The proposed project would not result in any significant land use impacts; **no** mitigation measures are required.

## II. POPULATION AND HOUSING

### Summary of Population and Housing Impacts and Mitigation Measures

The City of Lodi's current population is 60,521. The City's General Plan (Section 2, Land Use Standards, page 2-2)<sup>4</sup> assumes 2.25 persons per household for medium density product development. Using this average household number, it is estimated that the proposed development would result in 146 residents. The City's Growth Management Ordinance anticipates growth at 2 percent of the population per year. Approval of Growth Management Allocations is required prior to issuance of building permits.

a) Would ***the proposal cumulatively exceed official regional or local population projections?***

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<sup>3</sup> San Joaquin Council of Governments, 2000. *San Joaquin County Multi-Species Habitat Conservation and Open Space Plan*.

<sup>4</sup> Lodi, City of, 1991. *General Plan*. June.

The proposed project would result in the construction of **65** units. **The** estimated population that would be generated would be approximately **146** residents (**65** units x **2.25** persons per unit). The General Plan assumes a density of **12** dwelling units per acre when establishing growth patterns for the medium density land use designation (Table **A-3**, page **A-5**).<sup>5</sup> This project is **8.2** dwelling units per acre and would not exceed population projections

The project applicant has tiled for 65 medium density growth allocation units (this project would consist of single-family detached homes, but the units are referred to as medium density units because they fall into the medium density land use designation density of **7.1-20** dwelling units per gross acre). There are **45** medium density allocations available for **2005** and **298** medium density allocations available from previous years (the City has not grown at **2** percent per year, so there are allocations/units from previous year that have not been granted)! The applicant is requesting approval of the **45** units for **2005** and for **20** units from previous years.

**b) *Would the proposal induce substantial growth in area either directly for example, by proposing new homes or businesses) or indirectly (for example, through extension of roads and other infrastructure)?***

The proposed project would generate a population of approximately **146** residents by constructing **65** new single-family residential units in compliance with the City's General Plan land use designation. New roads and utilities would be added to service the units within the project. The project also includes dedication of **20** feet for widening of Hamer Lane, as required by the City's Public Works Department. The project does not include extensions of major roads or infrastructure beyond what is anticipated in the General Plan.

**c) *Would the proposal displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?***

The project site is currently developed with two single-family homes, one of which is currently used **as** an office for the residential construction activities immediately east of the project site. **The** home that is utilized **as** a residence is occupied by the property owners, who have indicated that they intend to move to another home in the City of Lodi. The two existing units are not affordable because they are located on large parcels. The proposed project would remove the two existing homes and replace with **65** new housing units for a net increase of the 63 units.

### **Mitigation Measures**

The proposed project would not result in any significant population and housing impacts; no mitigation measures are required.

## **III. GEOLOGY AND SOILS**

### **Summary of Geologic Impacts and Mitigation Measures**

The project site is located in the southern portion of the Sacramento Valley. Large coalescing alluvial fans have developed along each side of the valley. The larger and more gently sloping fans occur on the east side and consist of deposits derived from rock sources in the Sierra Nevada. The valley deposits are derived from the Coast Ranges to the west and the Sierra Nevada to the east. Basement rocks composed of meta-sediments,

<sup>5</sup> Lodi, City of, 1991. General Plan. June

<sup>6</sup> Lodi, ~~City~~ of, 1991. Municipal Code Chapter **15.38: Growth Management** Plan for Residential Development.

volcanic, and granites underlie these deposits. The valley geomorphology includes dissected uplands, low alluvial plains and fans, river flood plains and channels, and overflow lands and lake bottoms.

The project site is relatively flat and ground water is located approximately **50** feet below ground level.<sup>7</sup>

a) ***Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:***

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; or ii) Strong seismic ground shaking?

Ground shaking is a general term referring to all aspects of motion of the earth's surface resulting from an earthquake, and is normally the major cause of damage in seismic events. The extent of ground shaking is controlled by the magnitude and intensity of the earthquake, distance from the rupture, and local geologic conditions. Magnitude is a measure of the energy released by an earthquake; it is assessed by seismographs that measure the amplitude of seismic waves. No faults are known to cross the City; however, ground shaking may result from an earthquake outside the City and may cause damage to structures. The nearest seismic areas are the Midland Fault, approximately 20 miles west of the City. Based on the inactivity status of this fault, the project site is not identified as being in a special study zone, as would be defined by the Alquist-Priolo Act." The City requires that all new structures comply with California Building Code, Seismic Requirements. Because the project site is not located in a special study zone, the Building Code requirements would provide adequate provisions for development on the site.

iii) ***Seismic-related ground failure, including liquefaction?***

Liquefaction is the temporary transformation of loose, saturated granular sediments from a solid state to a liquefied state as a result of seismic ground shaking. In the process, the soil undergoes a temporary loss of strength, which commonly causes ground displacement or ground failure to occur. Since saturated soils are a necessary condition for liquefaction, soil layers in areas where the groundwater table is near the surface have higher liquefaction potential than those in which the water table is located at greater depths. Based on the dense soils and that groundwater is at a depth of 50 feet, the risk of liquefaction is low?

iv) Landslides?

The site and immediately adjacent areas are relatively flat. The potential for landslides is considered **very** low on the site and vicinity and the risk of injury or death associated with land sliding is less than significant.

b) ***Result in substantial erosion or loss of top soil?***

The proposed project will include grading and excavation to construct roadways and infrastructure; however, the site will remain relatively flat with little change to the existing topography. To mitigate possible erosion during construction, erosion control measures are included in Mitigation Measure **GEO-I**.

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<sup>7</sup> Sandelin, Wally, **2005**. City Engineer, City of Lodi. Personal communication with LSA Associates, Inc. November.

<sup>8</sup> Lodi, **General** Plan Final EIR, 1991. April.

<sup>9</sup> Sandelin, Wally, **2005**. City Engineer, City of Lodi. Personal communication with **LSA** Associates. November

c) *Would the project be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in or offsite site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Differential settlement or subsidence could occur if buildings or other improvements were built on low-strength foundation materials (including imported fill). Pilings are often used to anchor structures to firmer deposits below the surface in these situations. Although differential settlement generally occurs slowly enough that its effects are not dangerous to inhabitants, it can cause significant building damage over time. Areas of the project sites that contain loose or uncontrolled (non-engineered) fill may be susceptible to settlement. Although ground soils within the project area consist of strong, non-expansive soils, a Geotechnical Investigation will be conducted to provide grading and site preparations to prevent any such settlement of proposed buildings (see Mitigation Measure GEO-I).

d) *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risk to life or property?*

Ground soils within the project area consist of Tokay fine sandy loam and Tokay fine sandy loam hardpan substratum. Both of these soil types have good bearing strength, **are** not expansive, and pose little constraint to development.<sup>10</sup>

e) *Would the project have soils incapable of adequately supporting the use of septic tanks or alternate waste water disposal systems where sewers are not available for the disposal of waste water?*

The proposed project would be connected to Lodi's sanitary sewer system and would not entail the use of septic tanks or alternative water disposal systems.

#### Mitigation Measures

Mitigation Measure GEO-I : Prior to the issuance of a grading permit, a Geotechnical Investigation shall be prepared for the project site. The project applicant shall incorporate any grading and site preparations **as** recommended in the Preliminary Geotechnical Investigation.

## **IV. HYDROLOGY AND WATER QUALITY**

### **Summary of Water Impacts and Mitigation Measures**

Lodi and its surrounding areas are underlain by alluvial soils deposited by runoff from surrounding mountain ranges. The alluvium is underlain with sedimentary layers that contain a major aquifer system that extends throughout the Central Valley. The alluvium is saturated below a relatively shallow depth, making the sedimentary layers underneath the area part of the major aquifer system that extends throughout the Central Valley. The Mokelumne River flows along the northern boundary of the City of Lodi. The river serves to recharge groundwater aquifers, and further to the west, provides drinking water and irrigation water to agricultural lands and communities. City of Lodi obtains all of its fresh water supply from **24** existing water wells that pump groundwater from the Longer San Joaquin Valley Groundwater Basin."

<sup>10</sup> Lodi, General Plan Final EIR. 1991. April.

<sup>11</sup> Brown and Caldwell, 2001. Urban Water Management Plan, City of Lodi, June.

The City's General Plan EIR (Chapter 12, Hydrology and Water Quality, pages 12-3 and 12-4)<sup>12</sup> includes analysis and discussion of the City's water supply. In summary, the EIR found that the build out of the General Plan would have significant adverse impacts on water supply because the cumulative demand for water would increase by 67 percent. At the time the EIR was prepared, the City was already overdrafting from its main water source, ground water. The General Plan EIR includes mitigation measures to reduce impacts to water supply.

The project site is not located within a designated flood zone, nor are there any water bodies on the project site.

a) *Would the project violate any water standards or waste discharge requirements?*

The proposed project (65 units) would discharge into surface waters at a higher volume than the current uses on the site (two units). The project applicant will be required to prepare a Storm Water Prevention Plan (SWPP) will be prepared for review and approval by the Public Works Department, prior to the approval of grading permits for the proposed project (see mitigation measures below). The SWPP would be reviewed and approved by the City to ensure that water discharge requirements are met during construction and throughout the life of the project. The proposed project would not violate any water standards or waste discharge requirements.

b) *Substantially deplete ground water supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

The project site is currently developed, and includes buildings, pavement, gravel, and dirt surfaces. While there would be more impervious surfaces associated with the proposed project, landscaped areas would be incorporated into the proposed project to allow for groundwater recharge. Because landscape areas would be incorporated in the project, the project would not result in a substantial reduction in the amount of ground water; however, it will contribute to a cumulative loss of available water supply. The General Plan EIR determined that significant cumulative impacts would result from the build out of the General Plan. Because the proposed project would not independently have a significant affect on the available water supply, the water supply impacts are found to be less-than-significant. (see more detailed discussion under the utilities subsection on page 38) .

c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site?*

The proposed project (65 units) would discharge into surface waters at a higher volume than the current uses on the site (two units). Run-off discharge is discussed below under IV.e. A Storm Water Prevention Plan (SWPP) will be required as detailed in mitigation measure HYD-4 below. The SWPP will provide mechanisms to reduce storm water run-off during construction and throughout the life of the project. The proposed project would not substantially alter the existing drainage pattern of the site or area.

d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?*

<sup>12</sup> Lodi, General Plan Final EIR, 1991. April.



See discussion IV.c above.

*e) Would the project create or contribute to ~~run-off~~ water which would exceed the capacity ~~of~~ existing or planned stormwater drainage systems or provide additional substantial additional sources of polluted ~~run-off~~?*

Construction will increase impervious surface, which will increase the volume of runoff water from the project site. The City of Lodi municipal storm drainage system consists of an integrated system of trunk lines, detention basins, and pump stations. Surface infrastructure such as gutters, alley, and storm ditches provide for collection of storm water into the system. The runoff (precipitation and irrigation) would discharge to the local storm drainage system. During periods of low runoff (not a major storm) the water will flow to a regional-serving pump station (Beckman Park). The water is directly pumped into the Woodbridge Irrigation District Canal adjacent to the park. During periods of intense rainfall, the runoff will spill into the detention basin located at Salas Park (on Stockton Street northwest of the project site) where it will be held until the storm passes. The Beckman Park pumps will then drain the basin.<sup>13</sup> The City will utilize the SWPPP to ensure that the project does not result in substantial additional sources of polluted runoff (see mitigation measure HYD-4).

Utility plans are reviewed as part of the Public Works Department's review process, to confirm the capacity of the existing drainage facilities around the project site are adequate to service the needs of the proposed project.

*f) Would the project otherwise substantially degrade water quality?*

See response above related to impacts to surface water quality. The project includes 65 new residential units, which will generate typical domestic water quality impacts to ground water. Domestic impacts related to ground water quality would include seepage of automotive emissions and leaked fluids and household and garden chemicals into the groundwater, which is about 50 feet below the surface. These impacts are typical of residential development and would not result in substantial impacts to water quality.

*g) Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazards Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

The project site is not located in a flood hazard zone. FEMA designates the project site as Flood Zone X (outside 100 year flood plane).

*h) Would the project place housing within a 100-year flood hazard area structures which would impede or redirect flood flows?*

See discussion IV.g above.

*i) Would the project expose people or structures to a significant risk ~~of~~ loss, injury or death involving flooding, including flooding as a result ~~of~~ the failure ~~of~~ a levee or a dam?*

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<sup>13</sup> Sandelin, Wally, 2005. City Engineer, City of Lodi. Personal communication with LSA Associates, Inc. November

The proposed project consists of **65** residential units in a residential neighborhood. The project site is not located near a body of water, a levee or a dam. No such risks of loss, injury or death would result from this project.

*f) Would the project expose people or structures to inundation by sieche, tsunami or mudflow?*

The project site **is** not located near an ocean, lakefront or other large body of water; tsunamis or **seiches** are not probable.

**Mitigation Measures**

**Mitigation Measure HYD-1** : As a condition of approval of the final grading and drainage plans for the project, the Public Works department shall review the Master Utility Plan for the site for compliance with the city's storm water requirements.

**Mitigation Measure HYD-2**: Prior to the approval of the final grading and drainage plans, the project engineer shall provide a hydraulic analysis to the Public Works Department for review and approval so that implementation of the proposed drainage plans will comply with the City's storm water requirements.

**Mitigation Measure HYD-3** : The project shall include landscape areas, **as** shown titled "Revised 2005 Development Plan" prepared by Baumbach & Piazza, Inc., dated May, 2005, to allow for groundwater recharge.

**Mitigation Measure HYD-4**: As a part of the compliance with National Pollutant Discharge Elimination System (NPDES) requirements, a Notice of Intent (NOI) and associated fees would need to be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) providing notification and intent to comply with the General Permit to Discharge Storm Water Associated with Construction Activity for this project (copies of the **NOI** and fee payment shall be provided to the City). Prior to construction and site grading, a Storm Water Pollution Prevention Plan (SWPPP) is required for construction activities and remediation on-site. The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP would act as the overall program document designed **to** provide measures to mitigate potential water quality impacts associated with the implementation and operation of the proposed project. The project proponent shall prepare a **SWPPP** designed to reduce potential impacts to surface water quality through the **construction period** of the project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed **BMPs** designed to mitigate construction-related pollutants. **At** minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (**e.g.**, fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

An important component of the stormwater quality protection effort is the acknowledgement of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, which must include both dry and wet weather inspections. In addition, in accordance with State Water Resources

Control Board Resolution No. 2001-046,<sup>14</sup> monitoring would be required during **the** construction period for pollutants that may be present in the runoff that are “not visually detectable in **runoff**.”<sup>15</sup> RWQCB and/or City personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.

BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season **as** disturbed soil can be exposed to rainfall and storm runoff. If grading must **be** conducted during the rainy season, the primary BMPs selected shall focus on erosion control; that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, then these areas shall be seeded by September 1 and irrigated as necessary to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.

The **City** Public Services Department shall review the SWPPP and drainage plan prior to approval of the grading plan. City staff may require more stringent stormwater treatment measures, at their discretion. Implementation of this mitigation would reduce the level of significance of **this** impact to a less-than-significant level.

## **V. AIR QUALITY**

### **Summary of Air Quality Impacts and Mitigation Measures**

The proposed project is located within the San Joaquin Valley Air Pollution Control District (SJVAPCD). In accordance with the City’s General Plan, the City coordinates development review with SJVAPCD standards in order to minimize impacts to air quality.

a) Would ***the project conflict with or obstruct implementation of the applicable air quality plan?***

The proposed project would construct 65 single-family units, **as** intended by the general plan, and is subject to SJVAPCD regulations. The project would not conflict or obstruct any air quality plans.

b) ***Would the project violate air quality standards or contribute substantially to an existing or projected air quality violation to an existing or projected air quality violation?***

The proposed project would develop **65** single-family dwelling units in the Multiple-Family Residential land use designation. According to SJVAPCD, a single-family project with less than **152** units requires an air quality analysis at the “Small Project Analysis Level” (SPAL). SJVAPCD has pre-calculated the emissions of projects that qualify as SPAL and there is no possibility of exceeding air quality emission thresholds. However, SPAL does not eliminate other factors such as toxic air contaminants, hazardous materials, asbestos and odors resulting from project construction. The following discussion describes potential air

<sup>14</sup> State Water Resources Control Board, 2001. Modification of Water Quality Order 99-08-DWQ State Water Resources Control Board (SWRCB) National Pollutant Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity.

<sup>15</sup> Construction materials and compounds that are not stored in water-tight containers under a water-tight roof or inside a building are examples of materials for which the discharger may have to implement sampling and analysis procedures.

quality violations that could occur **as** a result of construction equipment exhaust emissions, fugitive dust, and long-term vehicular **emissions**.<sup>16</sup>

**Project-related** construction activities would include demolition, site preparation, earthmoving **and** general construction. Site preparation includes activities such **as** general land clearing. Earthmoving activities include cut and fill operations, trenching, soil compaction, and grading. General construction includes adding improvements such as roadways surfaces, structures, and facilities. The emissions generated from construction activities include dust, combustion emissions, and evaporative emissions from asphalt paving and architectural coating applications.

Construction activities would also result in emissions from equipment exhaust, construction-related vehicular activity and construction worker automobile trips. Emission levels for construction would vary depending on the number and type of equipment, duration of use, operation schedules, and the number of construction workers. Criteria pollutant emissions of ROG and NO<sub>x</sub> from these emission sources would incrementally add to regional atmospheric loading of ozone precursors during project construction. SJVAPCD's **CEQA Guidelines** recognize that construction equipment emits **ozone** precursors, but indicate that such emissions are included in the emission inventory that is the basis for regional air quality plans.

Demolition may result in airborne entrainment of asbestos, a toxic air contaminant, particularly where structures built prior to 1980 are being demolished. Some structural components of the buildings to be demolished may contain hazardous materials such as asbestos used in insulation, fire retardants, **or** building materials, and lead-based paint. If asbestos were found to be present in building materials to **be** removed, demolition and disposal would be required to be conducted in accordance with procedures specified by SJVAPCD's regulations. Therefore, the required compliance with existing regulations would ensure that the potential for public health hazards associated with airborne asbestos fibers or lead dust would be at less-than-significant levels.

Construction-related fugitive dust emissions would vary from day to day, depending on the level and type of activity, silt content of **the** soil, and the weather. In the absence of mitigation, construction activities may result in significant quantities of dust, and as a result, local visibility and PM<sub>10</sub> and PM<sub>2.5</sub> (**particulate** matter) concentrations may be adversely affected on a temporary and intermittent basis during the construction period. **In** addition, the fugitive dust generated by construction would include not **only** PM<sub>10</sub>, but also larger particles, which would fall **out** of the atmosphere within several hundred feet of **the** site and could result in nuisance-type impacts. The SJVAPCD's recommends implementation of effective and comprehensive dust control measures rather than detailed quantification of emissions. The District **considers** any project's construction-related impacts to be less than significant if the required dust-control measures **are** implemented. Without these measures, the impact is generally considered to **be** significant, particularly if sensitive land uses are located **in** the project vicinity. In the case of this project, residential land uses **are** located immediately adjacent to the boundaries of the project site. Therefore, without mitigation, the impact of fugitive dust emissions would be considered significant.

Consistent with Regulation VIII, Fugitive PM<sub>10</sub> Prohibitions of **the** SJVAPCD, the following controls are required to be implemented at all construction sites and as specifications for the project. Regulation VIII is incorporated as Mitigation Measure AIR-2.

Implementation of Mitigation Measure AIR-I and AIR-2 would reduce construction-related air quality impacts to a less-than-significant level.

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<sup>16</sup> San Joaquin Valley Air Pollution Control District, 1998. *Guide for Assessing and Mitigating Air Quality Impacts*. (Revised 2002).

*c) Would the project result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

See discussion IV.b above.

*d) Would the project expose sensitive receptors to substantial pollutant concentrations?*

The proposed project would expose surrounding residential units to pollutants during construction. Mitigation Measures AIR-1 and AIR-2 would reduce the construction related pollutants to a less-than-significant level.

Air quality impacts related to the proximity of agricultural land uses to the south, across Harney Lane, include fumes and odors from typical farming activities. The City's Right-to-Farm Ordinance requires that the new home buyers be notified of farming activities, including odors, upon purchasing the units.

*e) Would the proposal create objectionable odors affecting a substantial number of people?*

Some objectionable odors may be generated from the operation of diesel-powered construction equipment and/or asphalt paving during the project construction period. However, these odors would be short term in nature and would not result in permanent impacts to surrounding land uses, including sensitive receptors in the vicinity of the project site. The proposed project involves residential uses, and would not involve any component that would generate significant odors. Additionally, there are no potential odor sources within the vicinity of the project site. Therefore, no significant impacts related to objectionable odors would result from the proposed project.

### Mitigation Measures

Mitigation Measure AIR-1: The following construction equipment mitigation measures are to be implemented at construction sites to reduce construction exhaust emissions:

1. Use electric equipment for construction whenever possible in lieu of fossil fuel-tired equipment;
2. Properly and routinely maintain all construction equipment, as recommended by the manufacturer manuals, to control exhaust emissions.
3. Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling emissions;
4. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use to 7:00am to 7:00pm; and
5. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways.

Mitigation Measure AIR-2: Consistent with Regulation VIII, Fugitive PM<sub>10</sub> Prohibitions of the **SJVAPCD**, the following controls are required to be implemented at all construction sites and as specifications for the project.

1. All disturbed areas, including storage piles, which are not being used on a daily basis for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
4. During the demolition of existing buildings, all exterior surfaces of the building shall be wetted during demolition.
5. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained.
6. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
7. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.
8. Within urban areas, trackout shall be immediately removed when it extends **50** or more feet from the site and at the end of each workday.
9. Site with 150 or more vehicle trips per day shall prevent ~~carryout~~ and trackout. Prevention measures include requiring all trucks to drive over a bed of gravel to rid the tires of dirt and mud prior to exiting the site.

## **VI. TRANSPORTATIONS/CIRCULATION**

### **Summary of Transportation/Circulation Impacts and Mitigation Measures**

The City reviews development projects for consistency with the General Plan Circulation Element” and the Lodi Bicycle Transportation Master Plan” Access to the project site is provided via Harney Lane and **SR-99** is the nearest highway. The General Plan designates Harney Lane ~~as~~ a 4-lane divided arterial (General Plan, Figure 2-1, page 2-7). The Bicycle Master Plan ~~shows~~ a ~~Class~~ II bike path on Harney Lane. ~~A Class~~ II bike path is a striped bikeway within the paved area of a road (Bicycle Master Plan, Chapter IV, page 23).

*a) Would the proposal cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in substantial increase in either the number of vehicle trips, the volume to capacity, ratio on roads, or congestion at intersections)?*

According the General Plan EIR (page 9-9) the multi-family land use designation trip ratio is 6 trips per dwelling unit.” The proposed project would generate approximately 390 vehicle trips per day (**65** units x 6 trips). The General Plan land use element assumed development of **12** units per acre for properties designated as MDR. **At** 12 units per acre, the General Plan assumed the subject site would be developed with 91 units. The proposed project is below the density anticipated by the General Plan. Additionally, the General Plan

<sup>17</sup> Lodi, General Plan, 1991.

<sup>18</sup> Brady and Associates, Inc., 1994. Lodi Bicycle Transportation Master Plan. November 16

<sup>19</sup> Lodi, General Plan Final EIR. 1991. April.

designates Harney Lane as a four-lane divided arterial. The proposed project includes dedication of 20 feet on the north side of Harney Lane to accommodate the future right-of-way. **The** proposed project will not increase vehicle trips or traffic congestion beyond the level anticipated by the General Plan and the project will be subject to traffic impact fees, as required by the General Plan EIR (page 9-9).

***b) Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency or designated roads or highways?***

**As** stated above under *VI.a*, the proposed development is less dense than anticipated by the general plan and would only produce approximately 390 vehicle trips per day. The proposed project would not exceed service standards for Harney Lane or other adjacent roadways.

Additionally, Caltrans has reviewed the proposed project and determined that the project would not create a major impact on SR-99; however, it would contribute to impacts when combined with existing and proposed development in the City of Lodi. **To** mitigate its share of impacts on SR-99, the proposed project would be subject to fees on a “Fair Share” basis (see Mitigation Measure **TRAF-2**).

***c) Would the project result in a change to air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?***

The proposed project is not in the vicinity of a flight path. No impacts to air traffic would occur **as** a result of the proposed project.

***d) Would the project increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?***

**The** main access to the project would be provided by one controlled intersection at Harney Lane and Panzani Way. Additionally, the project can be accessed from Driftwood (existing street) and Ponta Rosa (**street** currently under construction). The project complies with City standards for street size and type and would reduce the number of driveways on Harney Lane. The project would slightly increase vehicular traffic (390 trips per day), but access to the site would not burden the traffic pattern for farm equipment associated with the agriculture uses to the south.

***e) Would the proposal result in inadequate emergency access?***

The project would be accessed by one controlled intersection on Harney Lane. Access to the individual units within the project site is provided by one east/west street, two cul-de-sac streets and several public lanes. The **main** east/west street right-of-way is 50 feet and parking is permitted on both sides of the street. **The** cul-de-sac street right of way is also **50** feet, parking is permitted **on** both sides of the street and the cul-de-sacs are approximately 180 feet long. The public lanes are **24** feet wide, parking is not permitted on either side and the public lanes are 90-120 feet long. The Fire Department has reviewed the proposed site plan and determined that the proposed circulation pattern complies with the City standards. Access to nearby uses would be provided by the east/west street that would connect Driftwood Drive (on the west) to Ponta Rossa Way (on the east).

***f) Would the proposal result in inadequate parking capacity?***

The Zoning Code requires two covered parking spaces per unit. The site plan (**see** Figure 3) indicates each unit would have a two-car garage. On-street parking (approximately **35** parking spaces) is also permitted

within the project site. Guest parking would be provided in individual driveways and within the approximately 35 on-street parking spaces.

***g) Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?***

The proposed site plan includes extension of an existing pedestrian walkway within a landscape area along Harney Lane and sidewalks within the project site. The proposed project would also implement the City's Bicycle Transportation Master **Plan**<sup>20</sup> by dedicating additional right-of-way along Harney Lane to accommodate a Class II bicycle lane. The proposed project would eliminate driveways along Harney Lane and provide controlled access at intersections for a safer pedestrian/bike and car interactions. There are no bus routes that service Harney Lane between Ham Lane and Lower Sacramento Road.

**Mitigation Measures**

**Mitigation Measure TRAF-1**: To mitigate its share of traffic impacts on City streets, the project applicant/developer shall be subject to traffic impact fees assessed **by** the City of Lodi.

**Mitigation Measure TRAF-2**: To mitigate its share of impacts on **SR-99**, the project applicant/developer shall be subject to fees on a "Fair Share" basis as stipulated in the soon-to-be-adopted regional traffic impact fees established by the San Joaquin County Council of Governments.

**VII. BIOLOGICAL RESOURCES**

**Summary of Biological Resource Impacts and Mitigation Measures**

The San Joaquin Council of Governments established the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan in 2000.<sup>21</sup> The purpose of the plan is to provide a strategy for balancing development with protecting endangered species in San Joaquin County. City of Lodi Municipal Code (Section **15.68** San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) Development Fees) was adopted in 2001, in order to implement the goals and objectives of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), and to mitigate the cumulative impacts of new development on undeveloped lands within the city of Lodi and in San Joaquin County. The City has established a fee ordinance for purposes of collecting fees to finance the SJMSCP. Development of the project site is subject to the payment of fees in accordance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

The project site is developed with two single-family homes, with ancillary storage buildings, and agricultural farm land (cherry tree orchard a commercial flower garden). During a recent site visit, there was **no** evidence of endangered species or natural habitat on-site.

***a) Would the project have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

<sup>20</sup> Brady and Associates, Inc., 1994. Lodi Bicycle Transportation **Master Plan**. November 16.

<sup>21</sup> San Joaquin Council of Governments, 2000. San *Joaquin County* Multi-Species **Habitat Conservation and Open Space Plan**



No evidence of endangered, threatened or rare *species* or their habitats was found during a recent site visit. In compliance with the SJMSCP, a biological study will be prepared to determine if there are **any** species or habitats on-site. Participation in the SJMSCP satisfies the state and federal endangered species acts, and ensures that impacts are mitigated to a less-than-significant level.<sup>22</sup> The San Joaquin Council of Governments (SJCOG) has reviewed the proposed project and recommends Mitigation Measure BIO-1 listed below to ensure compliance with the SJMSCP.

*b) Would the proposal have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

The project site is developed with two single-family homes and agricultural uses on Harney Lane in the City of Lodi. No evidence of wetland habitat was found during a recent site visit. Mitigation Measure BIO-I requires that a biological survey be conducted in compliance with the SJMSCP. Should the survey find wetland habitat on-site, impacts fees would be assessed in accordance with the SJMSCP.

*c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

There are no federally protected wetlands on the project site.

*d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The project site would not impact the movement of any native or wildlife species, nor would it impact a migration corridor because it is not located within a migration corridor. The site is developed with two single-family homes and an agricultural business. Furthermore, the site is surrounded by residences to the north, east and west. However, Mitigation Measure BIO-1 requires that a biological survey be conducted in compliance with the SJMSCP. Should the survey find evidence of wildlife migration patterns on-site, impacts fees would be assessed in accordance with the SJMSCP.

*e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

There are a few shrubs and several non-native trees on the subject site that were planted several years ago (excluding cherry and flower farming plants). The City does not designate local species (e.g., heritage trees). The City relies on the SJMSCP for regulation and mitigation of biological impacts. As stated in VII.a, the project would be subject to fees in compliance with the SJMSCP.

*f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?*

The project site would comply with the provisions of the SJMSCP, which is the only applicable conservation plan.

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<sup>22</sup> Ibid.

### Mitigation Measures

**Mitigation Measure BIO-1**: Consistent with the San Joaquin Multi-Species Habitat Conservation and **Open** Space Plan (SJMSCP), a SJMSCP biological survey must be completed and the appropriate fees shall be paid prior to receiving building permits.

## VIII. ENERGY AND MINERAL RESOURCES

### Summary of Energy and Mineral Resource Impacts and Mitigation Measures

The City implements the California State Building Codes related to energy efficient construction standards

*a) Would the proposal result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?*

Development of the site would not result in the loss of availability of any known mineral resource that would be of future value to the region and the residents of the State. There are no known mineral deposits within the area. The soil in the area is a sandy loam type. There is no indication that valuable minerals are located within the general area.

*b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

The general plan does not designate this project area as a locally-important mineral recovery site. As discussed under VIII.a, there are no known mineral deposits within the project area.

### Mitigation Measures

The proposed project would not result in any significant energy and mineral resource impacts; no mitigation measures are required.

## IX. HAZARDS

### Summary of Hazard Related Impacts and Mitigation Measures

The proposed project involves the demolition, site grading, and other construction activities to develop 65 new single-family homes. The project would include short term hazard impacts related to demolition of existing structures and storage/use of typical construction materials of 65 single-family residential units. The project would not involve storage of any explosives or hazardous substances, beyond the typical domestic supplies of household chemicals or gardening supplies.

*a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The proposed project would construct **65** single-family homes in a residential neighborhood; however, there are agricultural uses south of the project site, across Harney Lane in San Joaquin County. Similar land patterns ~~of~~ agriculture next to single-family homes exist throughout the City. The City's "Right to Farm Ordinance" requires that disclaimers are provided to new home buyers regarding the adjacency ~~of~~ agricultural uses." The existing agricultural use would not present potential health hazards to people within proposed residential units.

*b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The proposed project consists of **65** new single-family homes on property designated as Residential Medium Density in the City's General Plan. The proposed future development would not involve explosives or hazardous substances, with the exception of possible gardening pesticides, and household chemicals, which would not qualify as significant hazardous impact.

*c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?*

The project site is located within ¼ mile ~~of~~ Lois E. Borchardt Elementary School; however, as discussed above under IX.b, the project would not emit hazardous materials.

*d) Would the project be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section **65962.5** and, as a result, would it create a significant hazard to the environment?*

~~The~~ project site is not listed as a hazardous material site.<sup>23</sup>

*e) For a project located within an airport land use plan or where such a plan has not been adopted, within 2 miles ~~of~~ a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

The project site is not located within an airport land use plan or within 2 miles of a public or public use airport. The closest airport is Kingdon Airpark Airport which is approximately **5.6** miles southwest of the of the project site.

*f) For a project located within the vicinity ~~of~~ a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

The project site is not located within an airport land use plan or within 2 miles of a public or public use airport. The closest airport is Kingdon Airpark Airport which is approximately **5.6** miles southwest of the of the project site.

*g) Would the project impair or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

<sup>23</sup> Lodi, City of, 1991, op. cit

<sup>24</sup> State of California Department of Toxic Substance Control, 2005. DTSC's Hazardous Waste and Substance Site List (Cortese List). Website: [www.dtsc.ca.gov/database/Calsites/Cortese\\_List.cfm?county=39](http://www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm?county=39)

**The** proposed project would develop new residential units in an existing neighborhood. **The** Fire Department has reviewed the proposed project and determined that plans meet the City's standards for accessibility for emergency vehicles. Additionally, building permits are subject to review and approval by the City's Fire Department.

*h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildfires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands?*

The proposed project would construct 65 single-family homes in a residential neighborhood surrounded by existing urban development and an arterial road. No significant risk of wildfire would result from the proposed project.

### Mitigation Measures

Mitigation Measure HAZ-I: To ensure that the project does not interfere with emergency evacuation plans, grading and building plans shall be subject to review and approval by the Fire Department.

## X. NOISE

### Summary of Noise Impacts and Mitigation Measures

The City evaluates noise impacts based on the General Plan Noise Element and Chapter 9.24 of the Municipal Code, Noise Regulation. The General Plan Noise Element (page 6-7) establishes the maximum outdoor noise level of 55-60db as acceptable for residential units. Chapter 9.24 of the Municipal Code states that noise, of a commercial or non-commercial nature, shall not exceed the ambient noise level by more than five decibels at a point measured at the property line of any residential property. The project would have short term impacts related to typical construction noise.

*a) Would the project expose persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The project would result in temporary noise impacts related to construction (truck traffic, demolition, etc.) The City prohibits construction between the hours of 7:00 a.m. to 10:00 p.m., seven days a week. The site is surrounded by homes and construction in the evening hours could result in a substantial impact. Mitigation Measure NOI-I would limit construction hours to mitigate potential noise impacts to a level of less-than-significant.

Increased noise would also result from project related traffic; however, as discussed above under Traffic and Circulation, the project would result in only 390 vehicle trips per day, which would increase the noise level by less than 1 decibel (dB). The human ear can only detect increases in noise levels of 3.0 dB or greater in outdoor environments. Therefore, the increase of less than 1 db would not impose significant long term noise impacts.

Additionally, the residents of the future development could be exposed to potential long-term noise generated by the vehicular traffic on Harney Lane. The City's General Plan identifies Harney Lane to have a noise level (Ldn) of 65-70db within 100 feet from the centerline of Harney Lane. For residential projects, 65-70db is considered "Normally Unacceptable" without mitigation. Mitigation Measure NOI-2 would mitigate the noise level for future residents to a less-than-significant level.

*b) Would the project expose persons to or generation of excessive ground borne vibration or ground borne noise levels?*

The proposed project **is** entirely residential and no excessive ground borne noise or vibration would result from the proposed project. See discussion above under *X.a* for noise impacts related to vehicular traffic.

*c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.*

The proposed project would construct new residential units in a residential neighborhood. The **future** residents would be subject to the City's noise ordinance and no substantial permanent increase would result,

*d) Would the project result in substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

See discussion above under *X.a*.

*e) For a project located within an airport land use plan or, where such a plan has **not** been adopted, within 2 miles of a public airport, or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The project site is not located within an airport land use plan or within 2 miles of a public or public **use** airport. The closest airport is Kingdon Airpark Airport which is approximately **5.6** miles southwest of the of the project site.

### Mitigation Measures

Mitigation Measure NOI-1: To minimize temporary construction noise impacts on surrounding residences, construction hours shall be limited to 7:00 a.m. to 7:00 p.m., seven days a week.

Mitigation Measure NOI-2: To minimize long term noise impacts on future residents, a sound attenuation study shall be submitted for review and approval by the Planning Division. Said study shall provide measure to reduce the potential outdoor noise to a level acceptable for residential units (below **60db**) as stipulated in the Noise Element of the General Plan. Measures may include sound attenuation walls, increased insulation and insulated windows.

## **XI. PUBLIC SERVICES**

### Summary of Public Service Impacts and Mitigation Measures

Police and fire services are provided by the City of Lodi and Lodi Unified School District provides school services. The addition of **65** homes to the City of Lodi will generate the need for expanded governmental services including schools, fire, and police services. Impacts to police, fire and school services would be mitigated through established capital impact fees.

*a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered facilities, the construction of which **would** cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:*

*i) Fire protection:* The Lodi Fire Department provides fire protection services to the project site. Fire Station 3, at 2104 South Ham Lane, provides fire service to the project site. There are three personnel on duty at all times. The General Plan includes a policy to maintain a 3-minute travel time for fire emergency calls. The current response time is less than 3 minutes and impacts to response times are not anticipated as a result of the proposed project.<sup>25</sup> The proposed project would be subject to the Citywide Development Impact Mitigation Fee schedule that was adopted to insure that new development generates sufficient capital revenue to maintain specified levels of service in Lodi, including fire services.

*ii) Police protection:* The Lodi Police Department provides police protection for the project site. The project site is located within the Heritage District, Patrol Beat 4, which has a minimum of one officer on duty at all times.<sup>26</sup>

The General Plan includes a policy to maintain 1.3 police officers per 1,000 residents. The proposed project would increase the population by 146 residents for a total of 60,667 residents (60,521 current population + 146). With 60,667 residents, the City would need to have 78 police officers to maintain the policy of 1.3 officers per 1,000 residents ( $60.6 \times 1.3 = 78$ ). The City of Lodi's Police Department is budgeted for 78 police officers. The proposed project would be subject to the Citywide Development Impact Mitigation Fee schedule that was adopted to insure that new development generates sufficient capital revenue to maintain specified levels of service in Lodi, including police services.

*iii) Schools:* The Lodi Unified School District (LUSD) provides school service to the project site. LUSD has 37 school sites and the project would be served by the following schools: Borchardt Elementary (grades K-6), Lodi Middle School (grades 7-8), and Tokay High School (grades 9-12). The 2005 enrollment figures for these schools are 331, 1167 and 2,870 respectively.”

According to the LUSD, single family development generates 0.31 K-6th grade students per unit, 0.08 7th-8th grade students per unit, and 0.15 9th-12th grade students per unit.<sup>28</sup> Using this student generation rate, the proposed project would generate twenty K-6th students, five 7-8th grade students and ten 9th-12th grade students. Borchardt Elementary and Lodi Middle School are currently under capacity and the potential addition of students from this project will not exceed school capacities. Tokay High School is currently over capacity by seventy students and the proposed project would potentially add ten high school students. The addition of ten additional students to a school that is already over capacity would not result in a significant impact on schools.<sup>29</sup> The development is subject to a mitigation fee of \$3.79 per square foot for residential uses.

*iv) Parks:* There are no parks proposed as part of this project. The future residents will utilize existing parks, the closest of which is Samuel Salas Park, which is within 1,300 feet. The project would be subject to the Citywide Development Impact Mitigation Fee schedule that was adopted to insure that new development generates sufficient capital revenue to maintain specified levels of service in Lodi, including park services.

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<sup>25</sup> Hoover, Linda, 2005. Lodi Fire Department. Personal communication with LSA Associates, Inc. November.

<sup>26</sup> Versteeg, Eric, 2005. Lodi Police Department. Personal communication with LSA Associates, Inc. November.

<sup>27</sup> Lodi Unified School District, 2005. Lodi Unified School District Boundary Maps. Website: <http://sites.lodiUSD.net/schoolcity/ssb/content.cfm>.

<sup>28</sup> Brum, Vickie, 2005. Lodi Unified School District. Personal communication with LSA Associates. November.

<sup>29</sup> Brum, Vickie, 2005. Lodi Unified School District. Personal communication with LSA Associates. November.

v) **Other public facilities:** The Citywide Development Impact Mitigation **Fee** schedule was adopted to insure that new development generates sufficient capital revenue to maintain specified levels of service in Lodi, including public facilities.

### Mitigation Measures

Mitigation Measure PUB-1 : The project applicant/developer shall be subject to development impact fees for fire and police services established by the City of Lodi.

Mitigation Measure PUB-2: The project applicant/developer shall be subject to school impact fees established by Lodi Unified School District.

## XII. UTILITIES AND SERVICE SYSTEMS

### Summary of Utilities and Service Impacts and Mitigation Measures

The project site is not currently connected to utilities. The City of Lodi provides water, wastewater and electrical service to the site; Central Valley Waste Services provides solid waste disposal. Water, wastewater and storm drain facilities are available in adjacent residential developments and may be extended to serve the project site.

#### ***a) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?***

The proposed project, and the treatment of wastewater, would adhere to all applicable water quality regulations and not exceed wastewater treatment requirements of the Regional Water Quality Control Board. No major modifications or additions to local or regional water treatment or distribution facilities would be required as a result of this project.

#### ***b) Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?***

See discussion under *XII.a*

#### ***c) Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?***

The runoff will discharge to the local storm drainage system. During periods of low runoff (not a major storm) the water will flow to a regional-serving pump station at Beckman Park. The water is directly pumped into the Woodbridge Irrigation District Canal adjacent to the park. During periods of intense rainfall, the runoff will spill into the detention basin located at Salas Park (on Stockton Street northwest of the project site) where it will be held until the storm passes. The Beckman Park pumps will then drain the basin.

The City is limited by agreement with Woodbridge Irrigation District on the rate of pumping into the WID canals. City currently operates pump stations at two locations that discharge into the WID canals. When the runoff from the storm event exceeds the allowed pumping rate, water backs up in the system and spills to a number of storm detention basins around town. Salas Park is one of those basins.<sup>30</sup>

<sup>30</sup> Sandelin, Wally, 2005. City Engineer, City of Lodi. Personal communication with LSA Associates, Inc. November.

Runoff water quality is regulated by the National Pollutant Discharge Elimination System (NPDES) Nonpoint Source Program (established through the Clean Water Act); the NPDES program objective is to control and reduce pollutants to water bodies from nonpoint discharges. The program is administered by the California Regional Water Quality Control Boards. The project site would be under the jurisdiction of the CVRWQCB.

In addition, the proposed project would disturb more than one acre of land<sup>31</sup> during construction and would therefore be required to file a Notice of Intent (NOI) with the RWQCB to be covered under the State NPDES General Construction Permit for discharges of storm water associated with construction activity. A developer must propose control measures that are consistent with the State General Permit. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and implemented for each site covered by the general permit. A SWPPP should include Best Management Practices (BMPs) designed to reduce potential impacts to surface water quality during the construction of the project. Mitigation Measure HYD-4 requires an SWPP be prepared for this project.

***d) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?***

Groundwater from 26 wells is the primary source of water supply for the City of Lodi.<sup>32</sup> As discussed above in under IV.i, the proposed project would not substantially reduce the amount of ground water otherwise available for public water supply; the proposed project would develop at a less intense rate than anticipated in the General Plan. However, the project would contribute to cumulative impacts on availability water supply. The General Plan EIR determined that there would not be adequate water supply to accommodate build out of the General Plan; the City is currently implementing measures to increase the supply (e.g., conservation methods, metering of all new units, and purchasing water rights to the Mokelumne River) and has determined that they can adequately serve the proposed project.<sup>33</sup>

***e) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***

The City of Lodi Public Works Department provides wastewater collection and treatment services to areas within the City of Lodi. The collection system includes separate domestic and industrial lines. Untreated sewage is piped to the City's treatment plant using both gravity flow and lifts stations.

As part of the development plan review process, the City of Lodi Public Works Department will review utility plans and the applicant will be subject to sewer connection fees at the time of development.

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<sup>31</sup> The State Water Resources Control Board, Water Quality Order 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES), General Permit for Storm Water Discharges Associated with Construction Activity (General Permit) states that: The regulations provide that discharges of stormwater to waters of the United States from construction projects that disturb five or more acres of soil disturbance are effectively prohibited unless the discharge is in compliance with an NPDES Permit. Regulations (Phase II Rule) that became final on December 8, 1999 expand the existing NPDES program to address stormwater discharges from construction sites that disturb land equal to or greater than 1 acre and less than 5 acres (small construction activity). The regulations require that small construction activity, other than those regulated under an individual or Regional Water Quality Control Board General Permit, must be permitted no later than March 10, 2003.

<sup>32</sup> Brown and Caldwell, 2001. Urban Water Management Plan, City of Lodi, June.

<sup>33</sup> Sandelin, Wally, 2005. City Engineer, City of Lodi. Personal communication with LSA Associates, Inc. November



***f) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?***

Central Valley Waste Services, a subsidiary of Waste Management, Inc., provides solid waste collection services to the City of Lodi. Central Valley Waste collects solid waste from residential, commercial and industrial properties in the City of Lodi and transports the waste to a Transfer Station and Materials Recovery Facility (MRF). The waste is then transferred to large haul vehicles that transport the waste to the North County Landfill. The proposed 65 single-family units is less than what was anticipated for this property by the City's General Plan. No major modifications or additions solid waste disposal facilities would be required as a result of this project.

***g) Would the project comply with federal, State and local statutes and regulations related to solid waste?***

The proposed project would comply with all federal, State and local statutes and regulations related to solid waste.

**Mitigation Measures**

The proposed project would not result in any significant utility and service system impacts; no mitigation measures are required.

**XIII. AESTHETICS**

**Summary of Aesthetic Impacts and Mitigation Measures**

The existing visual character of the project site includes a two single-family homes, two storage/workshop buildings, portable structures and outdoor storage materials used in connection with the agricultural business (green house structures once visible to Harney Lane were recently demolished). The proposed project is located on Harney Lane. Harney Lane is not designated as a scenic route and there are no scenic views of natural hillsides or vistas to or from the project site.

***a) Would the project have a substantial effect on a scenic vista?***

The proposed project would not effect a scenic vista or scenic highway because there are no known or recognized scenic views or highways in or immediately around the project area. The project area is surrounded by existing single-family residential subdivisions with Harney Lane to the south. Harney Lane is not designated as a scenic highway to street route.

***b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?***

The project site consists of two single-family homes and agricultural land uses. There are no such scenic resources on site and the project site is not visible from a scenic highway.

***c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?***

The existing visual character of the project site includes two single-family homes and two workshop/storage buildings. Additionally, the agriculture business includes views of utility cabinets, a portable bathroom and outdoor storage of materials including several stacks of wood pallets. The single-family home at 349 Harney

Lane has been well maintained and is currently occupied. The single-family home at 415 Hamey Lane has been subject to deferred maintenance and is currently used as a construction office for the residential project currently under construction to the east of the project site. Figure 2, shows photographs of the existing condition of the project site.

The proposed project would include the construction of 65 single-family homes. These units would include a level of detail similar to the existing single-family homes in the neighborhood immediately east of the project site. The side elevations of units 41-63 would be visible to Hamey Lane. Though not specifically shown on the site plan (see Figure 3) the project would include a masonry wall along Hamey Lane. The height of the wall may be determined by a sound attenuation study, but never the less, the wall should include detailing or landscaping to break up the length and massing. By providing architectural interest to side elevations of lots 41-63, as well as all others within the project, and by providing specific details (such as cap stones and landscaping) to the wall along Harney Lane, the proposed subdivision would result in an improvement to the existing visual character of the site.

*d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The existing conditions on the project site include exterior lighting. The new development would emit some light and glare during evening hours, as is typical in residential environments. The proposed project would include indoor lighting and outdoor lighting for safety purposes. Implementation of Mitigation Measure AES-3 would reduce potential impacts associated with light and glare to a less than significant level.

**Mitigation Measures**

Mitigation Measure AES-1: Plans submitted for building permits shall show architectural enhancements for Street side elevations of units 41-63. Architectural enhancements shall be similar to that provided on the front elevations of said units including, but not limited to, decorative iron work, window banding, shutters, and varying roof-lines. Said plans shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-2: Plans submitted for the masonry wall along Hamey Lane (whether or not a sound wall is required) shall include decorative treatments such as cap stones and columns. Additionally, clinging vines (on 3-foot centers) and other landscaping shall be planted on the wall. Design of the wall shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-3: Outdoor lighting associated with the proposed development shall be designed and located to minimize ambient light levels for any given application, consistent with public safety standards. Lighting shall be placed in areas of pedestrian activity and at residential entrances, and shall be minimized elsewhere. Ornamental, pedestrian scale lighting fixtures shall be utilized when possible. Lighting fixtures shall be shielded and directed downward to minimize glare on neighboring properties.

#### **XIV. CULTURAL RESOURCES**

##### **Summary of Cultural Resource Impacts and Mitigation Measures**

Based on the General Plan EIR (Chapter 11, Cultural Resources, pages 11-1 and 11-2)<sup>34</sup>, there are no archaeological or cultural resources recorded within the City of Lodi. It is also noted that there are two cultural resources (Native American occupation/burial sites north of City near the Mokelumne River). The General Plan designates the project site for residential land uses. Should cultural resources be discovered during project grading/construction, a Mitigation Measure is incorporated to reduce potential impacts to a less-than-significant level.

***a) Would the project create a substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.5?***

The project site is surrounded by residential development. The proposed residential subdivision would not affect unique ethnic cultural or historical values as there is no information that such values exist on-site. The project site does not contain a registered or listed historical landmark?

***b) Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Section 15064.5***

Based on the General Plan EIR and a recent site visit, there is no evidence of archeological or paleontological resources on site. The proposed project would require site grading to accommodate roads and proper drainage. During the grading process, the developer shall cease operations and contact the proper authorities if anything of archeological or paleontological significance is found.

***c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?***

See discussion under XIV.b

***d) Would the project disturb any human remains, including those interred outside of formal cemeteries?***

No human remains are known to exist on the project site. The vicinity of the project site has a low potential for Native American sites. The project is proposed in a location that has been subject to previous ground disturbing activities related the construction of the **existing homes and agricultural operations**. If human remains are encountered, State Health and Safety Code Section **7050.5** requires that no further disturbance shall occur until the County Coroner has made determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner is required to notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (**MLD**). With the permission of the owner of the land or his/her representative, the descendant shall inspect the site of the discovery. The descendant shall complete the inspection within **24** hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

<sup>34</sup> Lodi, General Plan Final EIR, 1991

<sup>35</sup> CERES: State Historical Landmarks for San Joaquin County, 2005. Website: [www.ceres.ca.gov/geo\\_area/counties/San\\_Joaquin/landmarks.html](http://www.ceres.ca.gov/geo_area/counties/San_Joaquin/landmarks.html).

### Mitigation Measures

**Mitigation Measure CULT-I:** If deposits of prehistoric or historical archaeological materials are encountered during project construction activities, all work within 50 feet of the discovery shall be stopped and a qualified archaeologist shall be contracted to evaluate the discoveries and make recommendations regarding their potential significance and extent throughout the site. If such deposits cannot be avoided, they shall be evaluated for their California and National Register eligibility. If the deposits are not eligible, additional mitigation is not necessary. If the deposits are eligible, they shall be avoided or adverse project effects shall be mitigated. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results of the research, and recommendations for additional mitigation. In accordance with the City's General Plan Urban Design and Cultural Resources Element, the City shall consult the California Archeological Inventory, Central California Information Center, at Stanislaus State University, for recommended mitigation measures.

## **XV. RECREATION**

### **Summary of Recreation Impacts and Mitigation Measures**

The proposed project would include the construction of 65 single-family homes, which would generate approximately 146 people. There are no public parks or tot lots proposed within the development; however all of the proposed residences would include private open space within rear yards. The City's General Plan includes a goal for 8 acres of parks per 1,000 residents and 3.9 acres of parks per 1,000 residents (excluding detention basins and school parks).<sup>36</sup>

*a) Would the project increase the use of neighborhood or regional parks or other recreation facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

The proposed project does not contain any public recreation elements. Private open space would be provided within individual yards. There are three recreational facilities within a mile of the project site, including the Samuel D. Salas Park, Century Park and English Oaks Park.<sup>37</sup> The closest park is Samuel Salas Park, which is approximately 1,300 feet (0.24 miles) from the project site.

The proposed project would include the construction of 65 single-family homes, which would generate approximately 146 people. The General Plan contains a policy requiring a parks-to-population ratio of 3.9-to-1,000 (excluding school parks and detention basins). The proposed project does not include public open space; park impact fees would be assessed upon issuance of building permits. The projected increase in population as a result of this project would not result in increase demand for parks and recreation services such that substantial deterioration of parks would occur or be accelerated.

*b) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The project does not include the construction or require the expansion of recreational facilities.

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<sup>36</sup> Lodi, City of, 1991, op. cit.

<sup>37</sup> Lodi, City of, 2005. Community Development, Mapguide. Website: <http://mapguide.lohi.gov>.

**Mitigation Measures**

The proposed project would not result in any significant recreation impacts; **no** mitigation measures are required.

**XVI. AGRICULTURAL RESOURCES****Summary of Agricultural Resource Impacts and Mitigation Measures**

This section is based on information from the California Resources Agency California Land Conservation Act (Williamson Act) Program and the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency. The most recent FMMP information available for San Joaquin County is from 2004.

***a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses?***

The Farmland Mapping and Monitoring Maps prepared by the Department of Conservation designate the subject site as urban built-up land, which is not a category of farmland importance.<sup>38</sup> However, the project site consists of three parcels, one of which is dedicated to the agricultural **uses** of a cherry tree orchard and commercial flower garden. The General Plan designates the entire project site for residential land uses and development has occurred around the site, such that the project site has become an “in-fill” residential project. To mitigate the development of this agricultural site, the applicant is subject to mitigation fees established in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan. Mitigation Measure LU-1 requires compliance with the **San** Joaquin Multi-Species Habitat Conservation and Open Space Plan.

***b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?***

Though there is active agricultural land use on the project site, the site is currently zoned for development of medium density land uses. The property is not under Williamson Act contract. The proposed project includes a zone change from Medium Density to Planned Development. The project would be consistent with the proposed zoning designation.

***c) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses?***

The proposed project is surrounded by residential development, with the exception of properties south of Harney Lane, which are agricultural lands located in the County. The proposed project would not change the environment such that the existing agricultural uses would be converted. The farming rights of the property owners to the south, across Harney Lane would be protected because the applicant is subject to compliance with the City’s Right-to-Farm Ordinance.”

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<sup>39</sup> Lodi, City of, 1991. Municipal Code Chapter 8.18: Notification of Agricultural Operations Effecting Other Property.

Mitigation Measures

The proposed project would not result in any significant agricultural impacts; no mitigation measures are required.

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**Summary of Mandatory Findings

*a) Does the project have the potential to degrade the **quality** of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal **community**, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

The proposed project consists of the construction of 65 new residential units **on** the **7.92** acres in the southwest portion of the City of Lodi. The subject site **is** designated for residential development and is currently surrounded by residential land uses to the north, east and west. The project site is developed with two single-family homes and an agricultural use (cherry orchard and commercial flower garden) and there is no evidence of wildlife on-site. The project would not potentially degrade the quality of the environment or substantially reduce the habitat of fish **or** wildlife species. The proposed project would not eliminate important examples of major periods of California history or prehistory.

*b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

The construction of 65 new single-family homes and related infrastructure improvements will increase the residential population in the existing neighborhood, as anticipated by the City's General Plan. Cumulatively considerable impacts associated with increased **traffic** on Highway **99** and to the overall water supply would be **mitigated** to less-than-significant levels with the implementation of the mitigation measures provided above, in Sections IV and VI. The proposed project is located in a residential area and the inclusion of the mitigation measures mentioned above will reduce potentially significant impacts that would become cumulatively considerable when viewed in connection with the effects of past, current and reasonably foreseeable future projects.

*c) Does the project have environmental effects, which will cause substantial adverse **effects on** human beings, either directly or indirectly?*

**The** proposed project consists of construction of a **new** residential development and would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

**F. SOURCES**

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San Joaquin Valley Air Pollution Control District, 1998. *Guide for Assessing and Mitigating Air Quality Impacts*. (Revised 2002)

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**Communications**

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Dumas, Tom. 2005. Department of Transportation. Written communication to Mark Meissner, City of Lodi Community Development Department, July 1.

Hoover, Linda, 2005. City of Lodi Fire Department. Personal communication with LSA Associates, Inc, November.

**Meissner, Mark, 2005. City of Lodi Community Development Department. Personal communication with LSA Associates, Inc. November.**

**Sandelin, Wally, 2005. City Engineer, Lodi Public Works Department. Personal communication with LSA Associates, Inc. November.**

**Versteeg, Eric, 2005. City of Lodi Police Department. Personal communication with LSA Associates, Inc. November.**



**G. MITIGATION MEASURES TO BE INCLUDED IN THE PROJECT AND AGREED TO BY THE PROJECT SPONSOR AND ALL SUBSEQUENT PROPERTY OWNERS AND PERMITTEES**

The following mitigation measures are required to reduce potentially significant impacts of the proposed project to a “Less-Than-Significant” or “No Impact” level. These mitigation measures shall be made conditions of approval for the project. For every mitigation measure, the Permittee will **be** responsible for implementation actions, schedule, funding and compliance with performance standards, unless otherwise stated in the measure.

Mitigation Measure GEO-I : Prior to ~~the~~ issuance of a grading permit, a Geotechnical Investigation shall be prepared for the project site. The project applicant shall incorporate any grading and site preparations as recommended in the Preliminary Geotechnical Investigation.

Mitigation Measure HYD-I : **As** a condition of approval of the final grading and drainage plans for the project, the Public Works department shall verify that the Master Utility Plan for the site will comply with the City’s storm water requirements.

Mitigation Measure HYD-2: Prior to the approval of the final grading and drainage plans, the project engineer shall provide a hydraulic analysis to the Public Works Department for verification that implementation of the proposed drainage plans would comply with the City’s storm water requirements.

Mitigation Measure HYD-3: The project shall include landscape areas, **as** shown titled “Revised 2005 Development Plan” prepared by Baumbach & Piazza, Inc., dated May, 2005, to allow for groundwater recharge.

Mitigation Measure HYD-4: **As** a part of the compliance with National Pollutant Discharge Elimination System (NPDES) requirements, a Notice of Intent (NOI) and associated fees would need to be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) providing notification and intent to comply with the General Permit to Discharge Storm Water Associated with Construction Activity for this project (copies of the NOI and fee payment shall be provided to the City). Prior to construction and site grading, a Storm Water Pollution Prevention Plan (SWPPP) is required for construction activities and remediation on-site. The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the implementation and operation of the propose project. The project proponent shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of the project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

Mitigation Measure AIR-I: The following construction equipment mitigation measures are to be implemented at construction sites to reduce construction exhaust emissions:

1. Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment;
2. Properly and routinely maintain all construction equipment, **as** recommended by the manufacturer manuals, to control exhaust emissions.

3. Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling emissions;
4. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use to 7:00am to 7:00pm; and
5. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways.

Mitigation Measure AIR-2: Consistent with Regulation VIII, Fugitive PM<sub>10</sub> Prohibitions of the SJVAPCD, the following controls are required to be implemented at all construction sites and as specifications for the project.

1. All disturbed areas, including storage piles, which are not being used on a daily basis for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
4. During the demolition of existing buildings, all exterior surfaces of the building shall be wetted during demolition.
5. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained.
6. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
7. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.
8. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
9. Site with 150 or more vehicle trips per day shall prevent carryout and trackout. Prevention measures include requiring all trucks to drive over a bed of gravel to rid the tires of dirt and mud prior to exiting the site.

Mitigation Measure TRAF-1: To mitigate its share of traffic impacts on City streets, the project applicant/developer shall be subject to traffic impact fees assessed by the City of Lodi.

Mitigation Measure TRAF-2: To mitigate its share of impacts on SR-99, the project applicant/developer shall be subject to fees on a "Fair Share" basis as stipulated in the soon-to-be-adopted regional traffic impact fees established by the San Joaquin County Council of Governments.

Mitigation Measure BIO-1 : Consistent with the San Joaquin Multi-Species Habitat Conservation and ~~Open~~ Space Plan (SJMSCP), a SJMSCP biological survey must be completed and the appropriate fees shall be paid prior to receiving building permits.

Mitigation Measure HAZ-I: To ensure that the project does not interfere with emergency evacuation plans, grading and building plans shall be subject to review and approval by the Fire Department.

Mitigation Measure NOI-I: To minimize temporary construction noise impacts on surrounding residences, construction hours shall be limited to 7:00 a.m. to 7:00 p.m., seven days a week.

Mitigation Measure NOI-2: To minimize long term noise impacts on future residents, a sound attenuation study shall be submitted for review and approval by the Planning Division. Said study shall provide measure to reduce the potential outdoor noise to a level acceptable for residential units (below 60db) ~~as~~ stipulated in the Noise Element of the General Plan. Measures may include sound attenuation walls, increased insulation and insulated windows.

Mitigation Measure PUB-I : The project applicant/developer shall be subject to development impact fees for fire and police services established by the City of Lodi.

Mitigation Measure PUB-2: The project applicant/developer shall be subject to school impact fees established by Lodi Unified School District.

Mitigation Measure AES-I : Plans submitted for building permits shall show architectural enhancements for street side elevations of units 41-63. Architectural enhancements shall be similar to that provided on the front elevations of said units including, but not limited to, decorative iron work, window banding, shutters, and varying roof-lines. Said plans shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-2: Plans submitted for the masonry wall along Harney Lane (whether or not a sound wall is required) shall include decorative treatments such ~~as~~ cap stones and columns. Additionally, clinging vines (on 3-foot centers) and other landscaping shall be planted against to wall. Design of the wall shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-3: Outdoor lighting associated with the proposed development shall be designed and located to minimize ambient light levels for any given application, consistent with public safety standards. Lighting shall be placed in areas of pedestrian activity and at residential entrances, and shall be minimized elsewhere. Ornamental, pedestrian scale lighting fixtures shall be utilized when possible. Lighting fixtures shall be shielded and directed downward to minimize glare on neighboring properties.

Mitigation Measure CULT-I : If deposits of prehistoric or historical archaeological materials are encountered during project construction activities, all work within 50 feet of the discovery shall be stopped and a qualified archaeologist shall be contracted to evaluate the discoveries and make recommendations regarding their potential significance and extent throughout the site. If such deposits cannot be avoided, they shall be evaluated for their California and National Register eligibility. If the deposits are not eligible, additional mitigation is not necessary. If the deposits are eligible, they shall be avoided or adverse project effects shall ~~be~~ mitigated. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results of the research, and recommendations for additional mitigation. ~~In~~ accordance with the City's General Plan Urban Design and Cultural Resources Element, the City shall consult the California Archeological Inventory, Central California Information Center, at Stanislaus State University, for recommended mitigation measures.

**II. AGREEMENT BY PROJECT SPONSOR**

Project Sponsor, acting on behalf of all present and future property owners and Permittees, understands the mitigation measures set forth above and agrees to be bound by them if they are adopted as a result of project approval. Monitoring reports shall be provided to the Community Development Director and Director of Public Works at appropriate stages in the development process.

J. Jeffrey Kirst  
Project Sponsor's Signature

12/27/05  
Date

J. Jeffrey Kirst, Applicant  
Project Sponsor's Printed Name and Title

RESOLUTION NO. 2006-30

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING THE 2006 GROWTH  
MANAGEMENT ALLOCATION FOR THE  
MILLER RANCH SUBDIVISION

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BE IT RESOLVED that the Lodi City Council does hereby approve the 2006 Growth Management Allocation for the Miller Ranch Subdivision as recommended by the Lodi Planning Commission, as shown as follows:

	Reauested 2006 Allocations	Recommended 2006 Allocations
<u>SUBDIVISION</u>	<u>UNIT NUMBER AND TYPE</u>	
Miller Ranch	65 Medium-Density Residential Growth Management Units	45 Medium-Density Residential Growth Management Units for 2005 and 20 Medium-Density Residential Growth Management units un- Allocated from previous years.
TOTAL	65	65

Dated: February 15, 2006

I hereby certify that Resolution No. 2006-30 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 15, 2006, by the following vote:

AYES: COUNCIL MEMBERS - Beckman, Hansen, Johnson, Mounce, and  
Mayor Hitchcock

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None

  
SUSAN J. BLACKSTON  
SUSAN J. BLACKSTON  
City Clerk

DRAFT

ORDINANCE NO. \_\_\_\_

AN UNCODIFIED ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI  
AND THEREBY REZONING 349, 401 AND 415 EAST HARNEY LANE  
(APN 062-290-38, 062-290-37 AND 062-290-14) FROM R-MD,  
RESIDENTIAL MEDIUM DENSITY, TO PD(38), PLANNED  
DEVELOPMENT NUMBER 38, FOR THE MILLER RANCH  
DEVELOPMENT PROJECT, AND FURTHER APPROVING THE  
ASSOCIATED DEVELOPMENT PLAN

WHEREAS, the Planning Commission adopted Resolution No. P.C. 06-04 approving the request of Jeffrey Kirst on behalf of Tokay Development for the Miller Ranch Development Project at its meeting of January 25, 2006; and

WHEREAS, a Mitigated Negative Declaration (ND-05-01) and Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided hereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration and MMRP with respect to the project identified in their Resolution No. P.C. 06-02, and recommended approval at their meeting of January 25, 2006; and

WHEREAS, the Planning Commission of the City of Lodi recommended approval of the request of Jeffrey Kirst on behalf of Tokay Development for the award of 65 Medium Density Growth Management Allocation Units (GM-05-003) subject to conditions set forth in Resolution P.C. 06-04; and

WHEREAS, the Planning Commission of the City of Lodi recommends approval of the request of Jeffrey Kirst on behalf of Tokay Development for a one change (Z-05-04) from Residential, Multiple-Family to Planned Development and the Associated Development Plan (file Z-05-04) to the City Council of the City of Lodi, subject to the following mitigation measures and conditions of approval:

1. All mitigation measures for the project identified in the Mitigation Monitoring and Reporting Program of the Initial Study/Mitigated Negative Declaration (ND-05-01) are hereby incorporated into this recommendation of approval:

Mitigation Measure GEO-1: Prior to the issuance of a grading permit, a Geotechnical Investigation shall be prepared for the project site. The project applicant shall incorporate any grading and site preparations as recommended in the Preliminary Geotechnical Investigation.

Mitigation Measure HYD-1: As a condition of approval of the final grading and drainage plans for the project, the Public Works department shall verify that the Master Utility Plan for the site will comply with the City's storm water requirements.

Mitigation Measure HYD-2: Prior to the approval of the final grading and drainage plans, the project engineer shall provide a hydraulic analysis to the Public Works Department for verification that implementation of the proposed drainage plans would comply with the City's storm water requirements.

Mitigation Measure HYD-3: The project shall include landscape areas, as shown titled "Revised 2005 Development Plan" prepared by Baumbach & Piazza, Inc., dated May, 2005, to allow for groundwater recharge.

Mitigation Measure HYD-4: As a part of the compliance with National Pollutant Discharge Elimination System (NPDES) requirements, a Notice of Intent (NOI) and associated fees would need to be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) providing notification and intent to comply with the General Permit to Discharge Storm Water Associated with Construction Activity for this project (copies of the NOI and fee payment shall be provided to the City). Prior to construction and site grading, a Storm Water Pollution Prevention Plan (SWPPP) is required for construction activities and remediation on-site. The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the implementation and operation of the proposed project. The project proponent shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of the project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

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1. **Use** electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment;
2. Properly and routinely maintain all construction equipment, as recommended by the manufacturer manuals, to control exhaust emissions.
3. Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling emissions;
4. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in **use** to 7:00am to 7:00pm; and
5. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways.

Mitigation Measure AIR-2: Consistent with Regulation VIII, Fugitive PM<sub>10</sub> Prohibitions of the SJVAPCD, the following controls are required to be implemented at all construction sites and as specifications for the project.

1. All disturbed areas, including storage piles, which are not being used on a daily basis for construction purposes, shall be effectively stabilized of dust

- emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
  3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
  4. During the demolition of existing buildings, all exterior surfaces of the building shall be wetted during demolition.
  5. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained.
  6. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
  7. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.
  8. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
  9. Site with 150 or more vehicle trips per day shall prevent carryout and trackout. Prevention measures include requiring all trucks to drive over a bed of gravel to rid the tires of dirt and mud prior to exiting the site.

Mitigation Measure TRAF-1: To mitigate its share of traffic impacts on City streets, the project applicant/developer shall be subject to traffic impact fees assessed by the City of Lodi.

Mitigation Measure TRAF-2: To mitigate its share of impacts on SR-99, the project applicant/developer shall be subject to fees on a "Fair Share" basis as stipulated in the soon-to-be-adopted regional traffic impact fees established by the San Joaquin County Council of Governments.

Mitigation Measure BIO-1: Consistent with the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), a SJMSCP biological survey must be completed and the appropriate fees shall be paid prior to receiving building permits.

Mitigation Measure HAZ-1: To ensure that the project does not interfere with emergency evacuation plans, grading and building plans shall be subject to review and approval by the Fire Department.

Mitigation Measure NOI-1: To minimize temporary construction noise impacts on surrounding residences, construction hours shall be limited to 7:00 a.m. to 7:00 p.m., seven days a week.



Mitigation Measure NOI-2: To minimize long-term noise impacts on future residents, a sound attenuation study shall be submitted for review and approval by the Planning Division. Said study shall provide measure to reduce the potential outdoor noise to a level acceptable for residential units (below 60db) as stipulated in the Noise Element of the General Plan. Measures may include sound attenuation walls, increased insulation and insulated windows.

Mitigation Measure PUB-1: The project applicant/developer shall be subject to development impact fees for fire and police services established by the City of Lodi.

Mitigation Measure PUB-2: The project applicant/developer shall be subject to school impact fees established by Lodi Unified School District.

Mitigation Measure AES-1: Plans submitted for building permits shall show architectural enhancements for street side elevations of units 41-63. Architectural enhancements shall be similar to that provided on the front elevations of said units including, but not limited to, decorative iron work, window banding, shutters, and varying roof-lines. Said plans shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-2: Plans submitted for the masonry wall along Harney Lane (whether or not a sound wall is required) shall include decorative treatments such as cap stones and columns. Additionally, clinging vines (on 3-foot centers) and other landscaping shall be planted against to wall. Design of the wall shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-3: Outdoor lighting associated with the proposed development shall be designed and located to minimize ambient light levels for any given application, consistent with public safety standards. Lighting shall be placed in areas of pedestrian activity and at residential entrances, and shall be minimized elsewhere. Ornamental, pedestrian scale lighting fixtures shall be utilized when possible. Lighting fixtures shall be shielded and directed downward to minimize glare on neighboring properties.

Mitigation Measure CULT-1: If deposits of prehistoric or historical archaeological materials are encountered during project construction activities, all work within 50 feet of the discovery shall be stopped and a qualified archaeologist shall be contracted to evaluate the discoveries and make recommendations regarding their potential significance and extent throughout the site. If such deposits cannot be avoided, they shall be evaluated for their California and National Register eligibility. If the deposits are not eligible, additional mitigation is not necessary. If the deposits are eligible, they shall be avoided or adverse project effects shall be mitigated. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results of the research, and recommendations for additional mitigation. In accordance with the City's General Plan Urban Design and Cultural Resources Element, the City shall consult the California Archeological Inventory, Central California Information Center, at Stanislaus State University, for recommended mitigation measures.

2. Prior to the development of the Miller Ranch Development project, the applicant/developer shall file for a tentative subdivision map. Review and approval

of the tentative subdivision map is a discretionary action and additional conditions of approval may be placed on the project at that time.

3. All applicable state statutes, and local ordinances, including all applicable Building and Fire Code requirements for hazardous materials shall apply to the project.
4. Prior to submittal of building permits, the applicant shall submit construction elevations, perspective elevations, precise landscape and irrigation plans, as well as building materials for the review and approval of the Community Development Director. Said plans shall indicate that all corner lots shall have architectural treatments on both street facing elevations.
5. Prior to submittal of building permits, the applicant shall submit a walls and fencing plan. Said plan shall show all proposed walls and fencing. Fencing visible to the public right of way shall be constructed of treated wood or alternative material to prevent premature deterioration. Furthermore, all fencing within the project site shall be designed with steel posts, or a functional equivalent, to prevent premature deterioration and collapse.
6. The proposed public lanes shall incorporate stamped concrete, pavers or an equivalent subject to approval by the Public Works Department and Community Development Department.
7. The proposed project shall be subject to the San Joaquin County Air Pollution Control District Rules.
8. The proposed project should incorporate as many energy conserving and emission reducing features as possible, as outlined in correspondence from San Joaquin County Air Pollution Control District, dated January 13, 2006 and kept on file in the Community Development Department.
9. Prior to submittal of any further plan check or within 90 days of the approval of this project, whichever occurs first, the applicant shall sign a notarized affidavit stating that "I(we), \_\_\_\_\_, the owner(s) or the owner's representative have read, understand, and agree to the conditions approving GM 05-003." Immediately following this statement will appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the City Community Development Director and City Engineer shall also appear on this page. The affidavit shall be approved by the City prior to any improvement plan or final map submittal.

10. As shown on the development plan, submitted by Baumbach and Piazza and dated May 2005, and as further described in correspondence from the project applicant, the proposed development shall be subject to the development criteria described in the following table:

Standard	Proposed Project
Minimum lot size	2,625 sq.ft.
Minimum lot width	50 feet
Building Height	2 stories not to exceed 35 feet
Front Setback	7 feet and 6 inches to 12 feet
Side Setback	4 feet
Street side setback	4 feet
Rear Setback	8 feet
Parking Spaces	2 covered spaces per unit
Lot Coverage	50%

11. Subsequent Staff review of above required plans, elevations, fencing, walks, public lane surfaces, etc., shall require payment of fees at the hourly rate of City staff conducting said review.
12. The applicant shall reimburse the City for the full cost of outside planning consultant fees payable by the City for work performed for review analysis and preparation of reports on behalf of the project.

**BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:**

- Section 1. The Lodi City Council hereby approves the Mitigated Negative Declaration (ND-05-01) and the Mitigation Monitoring and Reporting Program (MMRP) as identified in Planning Commission Resolution No. P.C. 06-02.
- Section 2. The City Council hereby approves the request of Jeffrey Kirst on behalf of Tokay Development for the award of 65 Medium Density Growth Management Allocation Units (GM-05-003) subject to the conditions set forth in Planning Commission Resolution No. P.C. 06-02.
- Section 3. The Lodi City Council hereby approves the request of Jeffrey Kirst on behalf of Tokay Development for a zone change (Z-05-04) from Residential, Multiple-Family to Planned Development and the Associated Development Plan (2-05-04) subject to the mitigation measures and conditions set forth above as numbers 1 through 12, inclusive.
- Section 4. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows, subject to the mitigation measures and conditions set forth above as numbers 1 through 12, inclusive:

7.92 acres located at 349, 401 AND 415 East Harney Lane (APN 062-290-38, 37, AND **14**) are hereby rezoned from R-MD, Residential Medium

Density to PD(38), Planned Development Number 38, as shown on Exhibit " A attached, which is on file in the office of the City Clerk.

Section 5. - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 7. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Planning Commission and by the City Council of this City after public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto.

Section 8. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 9. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
SUSAN HITCHCOCK  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held February 15, 2006, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2006, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

I further certify that Ordinance No. \_\_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

JANICE D. MAGDICH  
Deputy City Attorney

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

February 4th

all in the year 2006.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 4th day of February 2006.



Signature

This space is for the County Clerks Filing Stamp

Proof of Publication of  
Notice of Public Hearing

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, February 15, 2006 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) award 65 medium density growth management allocation units; a zone change from residential multiple-family to planned development and the associated development plan; and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for 65 single-family dwelling units on the north side of Harney Lane between Panzani Way and Melby Drive. (File Numbers: ND-05-01, GM-05-03, Z-05-04; Jeffrey Kirst on behalf of Tokay Development, applicant)

Information regarding this item may be obtained in the office of Community Development, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comment on this matter. Written statements may be filed with the City Clerk at any time prior to the close of the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Susan J. Blackston  
City Clerk

Dated: February 1, 2006

Approved as to form:

D. Stephen Schwabauer  
City Attorney

February 4, 2006 - 05511327

Lodi News-Sentinel ...  
Connecting You To Your  
Community.  
To place a legal notice or classi-

5511327



***Please immediately confirm receipt  
of this fax by calling 333-6702***

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

### **ADVERTISING INSTRUCTIONS**

**SUBJECT** SPECIAL NOTICE OF PUBLIC HEARING FOR February 15, 2006 to award 65 medium density growth management allocation units; a zone change from residential multiple-family to planned development and the associated development plan; and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for 65 single-family dwelling units on the north side of Harney Lane between Panzani Way and Melby Drive. (File Numbers: ND-05-01, GM 05-03, 2-05-04; Jeffrey Kirst on behalf of Tokay Development, applicant).

## **LEGAL AD**

**PUBLISH DATE:** February 4, 2006

**TEAR SHEETS WANTED:** Three (3) please

**SEND AFFIDAVIT AND BILL TO:** SUSAN BLACKSTON, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED** Thursday February 2, 2006

**ORDERED BY:** SUSAN J. BLACKSTON  
CITY CLERK

JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

JACQUELINE L. TAYLOR, CMC  
DEPUTY CITY CLERK

  
DANA R. CHAPMAN  
ADMINISTRATIVE CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

LNS Faxed to the Sentinel at 369-1084 at 3:00 PM (time) on 2/2/06 (date) 2 (pages)  
Phoned to confirm receipt of all pages at 3:50 (time) JLT DRC JMP (initials)



**CITY OF LODI**  
**Carnegie Forum**  
305 West Pine Street, Lodi

**NOTICE OF PUBLIC HEARING**

Date: February 15, 2006

Time: 7:00 p.m.

For information regarding this notice please contact:

**Susan J. Blackston**

**City Clerk**

**Telephone: (209) 333-6702**

**NOTICE OF PUBLIC HEARING**

**NOTICE** IS HEREBY GIVEN that on Wednesday, February **15, 2006** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) award 65 medium density growth management allocation units; a zone change from residential multiple-family to planned development and the associated development plan; and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for 65 single-family dwelling units on the north side of Harney Lane between Panzani Way and Melby Drive. (File Numbers: ND-05-01, GM-05-03, 2-05-04; Jeffrey Kirst on behalf of Tokay Development, applicant)

Information regarding this item may be obtained in **the office** of Community Development, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the close of the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this **notice** or in written correspondence delivered to **the** City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Susan J. Blackston  
City Clerk

**Dated: February 1, 2006**

Approved as to form:

D. Stephen Schwabauer  
City Attorney





## **DECLARATION OF POSTING**

PUBLIC HEARING FOR FEBRUARY 15, 2006 award 65 medium density growth management allocation units; a zone change from residential multiple-family to planned development and the associated development plan; and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for 65 single-family dwelling units on the north side of Harney Lane between Panzani Way and Melby Drive. (File Number: ND-05-01, GM-05-03, Z-05-04; Jeffrey Kirst on behalf of Tokay Development, applicant).

On Friday February 3, 2006, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to award 65 medium density growth management allocation units; a zone change from residential multiple-family to planned development and the associated development plan; and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for 65 single-family dwelling units on the north side of Harney Lane between Panzani Way and Melby Drive. (File Numbers: ND-05-01, GM-05-03, Z-05-04; Jeffrey Kirst on behalf of Tokay Development, applicant).

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 3, 2006, at Lodi, California.

ORDERED BY

SUSAN J. BLACKSTON  
CITY CLERK

\_\_\_\_\_  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
JACQUELINE L. TAYLOR, CMC  
DEPUTY CITY CLERK

  
\_\_\_\_\_  
DANA R. CHAPMAN  
ADMINISTRATIVE CLERK



## **DECLARATION OF MAILING**

PUBLIC HEARING FOR February 15, 2006 to award 65 medium density growth management allocation units; a zone change from residential multiple-family to planned development and the associated development plan; and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for 65 single-family dwelling units on the north side of Harney Lane between Panzani Way and Melby Drive. (File Numbers: ND-05-01, **GM-05-03**, **Z-05-04**; Jeffrey Kirst on behalf of Tokay Development, applicant).

On February 3, 2006, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, to award 65 medium density growth management allocation units; a zone change from residential multiple family to planned development and the associated development plan: and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for 65 single family dwelling units on the north side of Harney Lane between Panzani Way and Melby Drive. (File Numbers: ND-05-01, GM-05-03, 2-05-04; Jeffrey Kirst on behalf of Tokay Development, applicant)

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

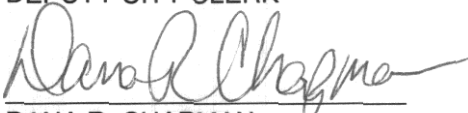
Executed on February 3, 2006, at Lodi, California.

ORDERED BY:

SUSAN BLACKSTON  
CITY CLERK, CITY OF **LODI**

ORDERED BY:

JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

  
DANA R. CHAPMAN  
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC  
DEPUTY CITY CLERK

ND-05-01, Z-05-02, GM-05-003 – Miller Ranch

06257005;JUAREZ, VERONICA;309 DRIFTWOOD  
DR;LODI;CA;95240;309;;DRIFTWOOD;DR

06257006;CEJA, IGNACIO;2532 MELBY DR;LODI;CA;95240;2532;;MELBY;DR

06257007;LEONARD, LESTER W TR ETAL;2526 MELBY  
DR;LODI;CA;95240;2526;;MELBY;DR

06257008;CRYSTAL ENTERPRISES LTD PTP;PO BOX  
1259;WOODBIDGE;CA;95258;2520;;MELBY;DR

06257010;LAMAS, FIDENCIO & AURORA;310 CULBERTSON  
DR;LODI;CA;95240;310;;CULBERTSON;DR

06257011;PARK PLACE DEVELOPMENT LLC ;PO BOX 1598 ;LODI ;CA;95241;2541;  
;MELBY ;DR

06257019;CROSS, MORAY C & AMY I;291 MARINER  
CT;LODI;CA;95240;291;;MARINER;CT

06257020;SOUSA, ROQUE P & DORA M TR;295 MARINER  
CT;LODI;CA;95240;295;;MARINER;CT

06257021;CRYSTAL ENTERPRISES LTD PTP;PO BOX  
1259;WOODBIDGE;CA;95258;298;;CULBERTSON;DR

06257022;MEDEIROS, RICHARD & JILL S;294 CULBERTSON  
DR;LODI;CA;95240;294;;CULBERTSON;DR

06265023;KHAN, MUBARAK & RAMIZA;510 TUSCOLANA  
WAY;LODI;CA;95240;510;;TUSCOLANA;WY

06265024;PARVIN, DARIN E ETAL;504 TUSCOLANA  
WAY;LODI;CA;95240;504;;TUSCOLANA;WY

06265025;KB HOME NORTH BAY INC;2420 DEL PASO RD  
#200;SACRAMENTO;CA;95834;444;;VIA MARCO;LN

06265031;VIJUN, BALWINDER K;449 TUSCOLANA WAY;LODI;CA;95242;449;;VIA  
MARCO ;LN

06257009;WILLIAMS, THERESA V TR;1728 LE BEC  
CT;LODI;CA;95240;316;;CULBERTSON;DR

05813009;BRADLEY, ERMA F TR ETAL;310 KENSINGTON  
WAY;LODI;CA;95242;4044;E;HARNEY;LN

05813010;STOCKAR, PATRICK F & SANDRA H;PO BOX  
673;VICTOR;CA;95253;4300;E;HARNEY;LN

ND-05-01, Z-05-02, GM-05-003 – Miller Ranch

APN;OWNER;ADDRESS;CITY;STATE;ZIP;SITUSNUM;SITUSDIR;SITUSSTNAME;SITUSTYP  
E

06229014;MILLER, DONALD W & NANCY C TR;4071 E HARNEY  
LN;LODI;CA;95240;415;E;HARNEY;LN

06229026;THAYER, WALTER & JOANNE M;325 E HARNEY  
LN;LODI;CA;95240;325;E;HARNEY;LN

06256038;SEXTON, KEVIN J & STACY R;2428 BLUEJAY  
WAY;LODI;CA;95240;2428;;BLUEJAY;WY

06256039;JONES, BRAD H & TERI S;388 CULBERTSON  
DR;LODI;CA;95240;388;;CULBERTSON;DR

06256040;ARCOS, SERAFIN;380 CULBERTSON  
DR;LODI;CA;95240;380;;CULBERTSON;DR

06256041;MCKNIGHT, MICHAEL E;370 CULBERTSON  
DR;LODI;CA;95240;370;;CULBERTSON;DR

06256042;GOMEZ, FERNANDO & ALMA LETICIA;364 CULBERTSON  
DR;LODI;CA;95240;364;;CULBERTSON;DR

06256043;BUTLER, STEVE R;358 CULBERTSON  
DR;LODI;CA;95240;358;;CULBERTSON;DR

06256044;HARRIS, STEPHEN C;352 CULBERTSON  
DR;LODI;CA;95240;352;;CULBERTSON;DR

06256045;BRAN, ADAN CIGARROA;346 CULBERTSON  
DR;LODI;CA;95240;346;;CULBERTSON;DR

06256046;ALVAREZ, **FRANK** A & ANDREA M;340 CULBERTSON  
DR;LODI;CA;95240;340;;CULBERTSON;DR

06256048;MUHLBEIER, TIM F & KATHY E TR;4279 SCOTTSDALE  
RD;LODI;CA;95240;328;;CULBERTSON;DR

06256049;BECHTHOLD, DUANE TR;17577 N  
KENNISON;LODI;CA;95240;322;;CULBERTSON;DR

06257001;CHUGHTAI, AFTAB & FARHAT ETAL;2564 MELBY  
DR;LODI;CA;95240;2564;;MELBY;DR

06257002;WARREN, **FRANK** L & MAXINE;2558 MELBY  
DR;LODI;CA;95240;2558;;MELBY;DR

06257003;SINIGAGLIA, GREGORY A ETAL;314 DRIFTWOOD  
DR;LODI;CA;95240;314;;DRIFTWOOD;DR

06257004;LAWLEY, RODNEY & PENNY CUST;2058 PETERSBURG  
WAY;LODI;CA;95242;315;;DRIFTWOOD;DR